



MEMORANDUM

Agenda Item No. 6(R)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.
and Members, Board of County Commissioners

DATE: May 11, 2004

SUBJECT: Ordinance amending Chapter 31
relating to the taxicab lottery

FROM: George M. Burgess
County Manager

Recommendation

It is recommended that the Board approve the attached ordinance amending Chapter 31, Article II of the Code relating to the taxicab lottery to establish an annual lottery of 35 taxicab medallions for a three-year period, require a study prior to the end of the three-year period to evaluate taxicab use, increase the cost of obtaining a taxicab lottery medallion, and creating a new South Miami-Dade County Taxicab Service Area.

Background

The Board adopted Ordinance 98-105 on July 9, 1998, enacting reforms governing the taxicab industry. A major goal of the reform was to create a system of owner-drivers. This goal was supported through two primary mechanisms: new taxicab medallions were to be issued by lottery only to taxicab chauffeurs, and transfers of taxicab medallions were to be made only to taxicab chauffeurs, with certain exceptions.

At that time, there were 1,824 taxicabs. Following workshops and discussions, an incremental approach to growth in the number of taxicabs was adopted that established an annual lottery of 25 taxicab medallions for five years (1999 through 2003). On June 8, 1999, the Board adopted Ordinance 99-71 creating an Underserved Taxicab Service Area with two additional medallions added to the lottery for a total of 27. On February 3, 2003, the Board adopted Ordinance 03-45 targeting 3% of the taxicab fleet to be wheelchair accessible by January 1, 2006. Five wheelchair accessible taxicabs were added to the final lottery held in 2003, for a total of 32 medallions in that year. Since 1998, 141 lottery medallions have been issued and 177 transfers have been made to owner-drivers. Today, 432 of 1,966 (22%) taxicab medallions are held by owner-drivers as compared to 114 of 1,824 (6.3%) in 1998. These statistics demonstrate the success of achieving the Board's objective through the adoption of Ordinance 98-105.

Section 31-82 (p) of the Code establishes that as of June 2004, the number of taxicabs will be based on a population ratio of one taxicab for each 1,000 in population (1:1000). Prior to the ratio going into effect, the Director of the Consumer Services Department (CSD) is required to report on the number of taxicab medallions that would be issued based on the current population. By May 1, 2004, the Board must determine, by a 2/3 vote, whether to hold a public hearing on the issue. The public hearing must occur no later than June 2004. If the Board chooses not to have a public hearing, the ratio will automatically go into effect and the CSD is required to conduct the lottery to issue the medallions.

Based on the 2000 census and Department of Planning and Zoning data, the population of Miami-Dade County is 2,372,000 as of March 31, 2004. Applying the ratio of 1:1000 to the population yields 2,372 taxicabs. The issuance of 406 taxicabs is required to achieve the ratio, representing an increase of 20% in the number of authorized taxicabs.

The taxicab industry in Miami-Dade County was impacted by the events of September 11, 2001, and the resulting economic downturn. Although the economy has improved, issuance of a large number of taxicabs could negatively impact the income of existing taxicab chauffeurs. A 20% increase in the number of taxicabs would reduce the number of trips each chauffeur has per day. Entities involved in taxicab financing also caution that a large influx could affect the collateral used for existing loans, as well as impact financing opportunities to the industry in the future.

After carefully analyzing all related data, staff does not recommend issuing a large number of taxicabs; however, the data supports incremental growth. The industry has adequately absorbed the additional 141 taxicabs issued by lottery, which increased the number of authorized taxicabs by 7.8%. There is significant interest on the part of taxicab chauffeurs to obtain their own medallions. In the 2003 lottery there were 800 applications for 32 medallions. The population of Miami-Dade County has increased by 182,000 (8.4%) since 1998 and continues to increase at the rate of approximately 30,000 each year. The Greater Miami Convention and Visitors Bureau reports an increase in visitors of approximately 15% since 1998 and a return to pre-9/11 levels in 2003. Taxicab trips originating at MIA have increased by approximately 8% since 1998. Cruise passenger traffic at the Port has increased by 33%. All of these factors support the continuation of a growth mechanism.

The attached proposed ordinance amendment recommends a three-year incremental lottery system issuing 35 medallions each year from 2004 through 2006 resulting in the issuance of 105 medallions over this time period. Based on population estimates, the effective ratio of taxicabs to population will be 1:1174 at that time. Prior to the end of the third year, the proposed ordinance requires a study to be conducted that will assist the County in determining the course of action after 2006. The study will review the relative use of taxicabs by visitors and residents, utilization of wheelchair accessible taxicabs, and seek recommendations for establishing a taxicab formula, among other matters.

This ordinance amendment also establishes a separate annual lottery of seven (7) taxicabs, including one wheelchair accessible taxicab, for a South Miami-Dade Taxicab Service Area (SMDTSA) with a northern boundary of S.W. 136 Street. Difficulty in obtaining taxicab service in the southernmost areas of the County has been a long-standing problem as taxicabs tend to congregate at the Airport, Seaport, Miami Beach, and the central business district. Responding to a call in South Dade requires a chauffeur to drive a great distance often resulting in an empty taxicab on the return trip. As a result, taxicab chauffeurs are reluctant to respond to South Miami-Dade calls resulting in poor service levels for residents. This lack of service creates an environment that fosters illegal taxicab work.

As with the Underserved Taxicab Service Area lottery medallions, SMDTSA lottery winners will be restricted to picking up passengers within the designated area. The goal is to improve service in South Miami-Dade and foster a viable local taxicab system. The ordinance also continues the lottery for the Underserved Taxicab Service Area, adding an additional taxicab that will be wheelchair accessible.

The attached ordinance distributes the 35 taxicabs as follows:

Lottery Type	YEAR			Total
	2004	2005	2006	
Regular Taxicabs	11	11	13	35
Regular Wheelchair Taxicabs	14	14	12	40
Underserved Area (includes one wheelchair accessible vehicle)	3	3	3	9
South Miami-Dade Area (includes one wheelchair accessible vehicle)	7	7	7	21
Total Lottery	35	35	35	105
Taxicabs After Lottery	2001	2036	2071	
Projected Population	2,372,000	2,402,000	2,432,000	
Effective Population Ratio (1:x)	1185	1180	1174	
% of Wheelchair to Total Taxicabs (includes 20 issued in 2003)	1.8%	2.6%	3.2%	

As in past lotteries, in the proposed ordinance separate lotteries will be conducted to distribute medallions to veterans, chauffeurs with 20 or more years of service, chauffeurs with 25 or more years of service, with the balance to drivers with five or more years of service. Since this ordinance contains more medallions than in past lotteries, the distributions have been rebalanced to improve chances for drivers with 25 or more years of service. It should be noted that the Code as currently written makes no provision for these distributions beyond the lottery that occurred in 2003.

In 1998, the price for obtaining a lottery medallion was established at \$15,000. The rationale for establishing a price was that when licenses were issued at no cost in a prior lottery, winners sold their licenses immediately after the mandatory holding period at a significant profit. In 1998, the average market price for a taxicab license was \$60,000; therefore, the \$15,000 lottery price represented 25% of the market price. Taxicab medallions are now selling for more than \$100,000. It is therefore recommended that the price of the regular lottery medallion be adjusted to \$25,000, less than 25% of the present market value. Lottery medallions for the Underserved Taxicab Service Area are adjusted from \$10,000 to \$15,000, the SMDTSA is established at \$15,000, and wheelchair accessible taxicabs are adjusted to a cost that is \$10,000 less than the cost of a medallion in the specific category, or \$5,000, whichever is greater. The wheelchair taxicab discount reflects the cost of the wheelchair conversion to the vehicle.

CSD has been meeting with its Taxicab Advisory Group (TAG) to review the issues addressed in this item. The TAG has representation from chauffeurs, license holders, passenger service companies, municipalities, the hospitality industries, and the Office of ADA Coordination. The TAG concurs that the 1:1000 population ratio should not be implemented at this time, supports the continuation of an incremental lottery of 35 per year for three years with a study prior to the end of the three year period, supports the creation of a South Miami-Dade Taxicab Service Area, and supports the change in the cost of a regular lottery medallion and the wheelchair medallion. Although the TAG voted to keep the

Underserved Area medallion at \$10,000 instead of the \$15,000 that is recommended, and to set the South Miami-Dade Service Area medallion at \$10,000 instead of the recommended \$15,000, they subsequently accepted the staff recommendation.

This ordinance also corrects a section of the Code dealing with the disposition of a lottery license that is revoked during the five year holding period to ensure that all such cases are addressed in a consistent manner. It also adds severe, irreversible medical conditions, such as loss of sight, paralysis and terminal illness, as among the few circumstances that give rise to a lottery license being allowed to transfer within the five year holding period.


At its meeting of April 22, 2004, the Transportation Committee approved several staff amendments to clarify that the study would focus on matters related to taxicab use and need, that the scope of service would be developed with industry input, that the new language requiring the study would replace the existing Code provision concerning the population ratio in Section 31-82 (p) (1), and correcting a scrivener's error. The Transportation Committee also amended the proposed ordinance to eliminate a provision that authorized a one-time fee on taxicab license holders to pay for the cost of the study and requested that other funding be identified.

Fiscal Impact

If the Code were to go into effect without change, 406 taxicab medallions would be issued. Of those, 51 would be wheelchair accessible. The fiscal impact at the present medallion price would yield revenues of \$5,580,000 in 2004, and \$440,000 in 2005 and 2006, for a total of \$6,460,000 over a three-year period.

The ordinance, as proposed, will result in the issuance of 35 medallions each year through 2006. The fiscal impact at the new medallion price structure would yield revenues of \$615,000 in 2004 and 2005, and \$635,000 in 2006, for a total of \$1,865,000 over the three-year period.

All fees derived from medallions are retained by the Consumer Services Department to support taxicab regulatory activities.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 11, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.6 (R)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No. 6 (R)

Veto _____

5-11-04

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 31, ARTICLE II, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE REGULATION OF TAXICABS; AMENDING PROVISIONS RELATING TO WHEELCHAIR ACCESSIBLE TAXICABS; CREATING THE SOUTH MIAMI-DADE TAXICAB SERVICE AREA; AMENDING PROVISIONS REGARDING TAXICAB LOTTERY; PROVIDING FOR ISSUANCE OF ADDITIONAL FOR-HIRE TAXICAB LICENSES AND INCREASING PRICE OF FOR-HIRE LICENSES; PROVIDING FOR STUDY REGARDING FOR-HIRE TAXICAB INDUSTRY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 31, Article II of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 31

VEHICLES FOR-HIRE

* * *

Art. II. Licensing and Regulation of For-Hire Motor Vehicles

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 31-82. For-hire licenses.

* * *

- (l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by ~~[[January 1]]~~ >>December 31<<, 2006.

* * *

- (2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1) >>31-82(o)(1)<< ~~[[or]]~~ 31-82(o)(2) >>, or 31-82(o)(3) << shall be issued upon payment of ~~[[five thousand dollars (\$5,000)]]~~ >>an amount that is \$10,000 less than the amounts stated in sections 31-82 (m), 31-93 (c) (2), or 31-93 (d), respectively, or \$5,000, whichever amount is greater<<, payable in full within one hundred and twenty (120) days after each lottery.
- (3) It shall be a condition of all for-hire taxicab licenses ~~[[ordered by the director]]~~ >>that are required<< to operate using accessible vehicles pursuant to sections 31-82 (l) (1) >>, 31-82 (o)(1) << ~~[[or]]~~ 31-82 (o) (2) >>, or 31-82 (o)(3) << that the vehicle operated under the authority of such license shall always be an accessible vehicle.

* * *

- (m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of ~~[[fifteen thousand dollars (\$15,000)]]~~ >>twenty-five thousand dollars (\$25,000)<<, payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in

section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

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*

(o) For-hire taxicab lottery

- (1) Beginning ~~[[January 1, 2001]]~~ >> January 1, 2004<<, twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until ~~[[June 1, 2003]]~~ >> December 31, 2006<<, utilizing the criteria and procedure provided in Section 31-82. >> In 2004 and 2005, fourteen (14) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. In 2006, twelve (12) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. << ~~[[Three (3)]]~~ >> Two (2)<< of the twenty-five (25) for-hire licenses to be issued annually shall be issued through a separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, and ~~[[three (3)]]~~ >> two (2)<< of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty (20) or more years and satisfy all of the requirements of this chapter and ~~[[two (2)]]~~ >> five (5)<< of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfy all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to

participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (2) In addition to the for-hire licenses authorized by the preceding subsection, an additional ~~[[five-(5)]]~~ >>seven (7) South Miami-Dade taxicab service area<< for-hire taxicab licenses shall be issued in ~~[[2003]]~~ >>2004, 2005 and 2006, pursuant to Section 31-93 (d),<< utilizing the criteria and procedure provided in Section 31-82. ~~[[A]]~~ >>One of the<< for-hire taxicab licenses issued pursuant to this subsection (o)(2) shall be operated using >>an<< accessible vehicle~~[[s]]~~. Three (3) of the ~~[[five-(5)]]~~ >>seven (7)<< for-hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the ~~[[five-(5)]]~~ >>seven (7)<< for-hire licenses to be issued shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged

and satisfies all the requirements of this chapter; one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty (20) or more years and satisfies all the requirements of this chapter; and one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the

lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- >>(3) In addition to the for-hire licenses authorized by the preceding subsections, an additional three (3) for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93 (c), utilizing the criteria and procedure provided in Section 31-82. One (1) of the for-hire taxicab licenses issued pursuant to this subsection (o)(3) shall be operated using an accessible vehicle. One (1) of the three (3) for-hire licenses issued pursuant to this subsection shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who meet the requirements of Section 31-82 (q).<<

* * *

- (p) Rules governing the distribution of new for-hire licenses.

- (1) ~~[[Population ratio. The following provisions shall govern the issuance of for hire licenses after June 1, 2004. The number of for hire vehicles shall not be greater than one (1) vehicle per each one thousand (1,000) inhabitants of Miami-Dade County,~~

~~according to the latest United States census or succeeding annual update as determined by the appropriate agency of Miami Dade County. By April 1 of each calendar year, the CSD shall file with the County Manager a report detailing the current Miami Dade County population and the number of licenses, if any, which may be issued to maintain the population ratio provided in this subsection (1). The County Manager shall forward such report to the commission. Unless by May 1 of each calendar year, the commission by a two thirds (2/3s) vote calls for a public hearing to consider the report of the County Manager and the need for additional taxi licenses, the director shall administratively issue such licenses as may be necessary to maintain the population ratio provided in this subsection (1) pursuant to the lottery provisions of Section 31-82.]]~~ >>By March 1, 2006, the County Manager shall cause a study to be performed and completed to analyze the relative use of taxicab service by visitors and residents, the utilization of wheelchair accessible taxicabs, the geographic distribution of taxicabs in the County, the impact of additional for-hire taxicab licenses on existing taxicab chauffeurs, recommendations on the formula to be used to establish the number of for-hire taxicabs, and other matters related to taxicab use and need. The scope of service will be developed with industry input. <<

- (2) Public Hearing. ~~[[In the event the]]~~ >>The<< commission ~~[[determines to hold such]]~~ >>shall hold a<< public hearing to consider the County Manager's report and >>the results of the study required by Section 31-82(p)(1)<<, and to determine the need for additional for-hire taxicab licenses ~~[[such public hearing shall be considered]]~~ no later than June ~~[[of each year]]~~ >>2006<<. The commission, by ~~[[resolution]]~~ >>ordinance<<, ~~[[may authorize or refuse to increase the total number of for-hire taxicab licenses authorized upon such terms and conditions as in its judgment the public convenience and necessity may require]]~~ >>shall establish a formula for determining the number of for-hire taxicab licenses authorized after

January 1, 2007.<<. In reaching its decision, the commission shall consider >>the results of the study required by Section 31-82(p)(1).<< the recommendation of the County Manager and all evidence produced at the public hearing [[and shall set the maximum number of for hire taxicab license to be issued. Once the commission has determined to hold a public hearing, license shall not be increased and shall remain fixed pending a decision by the commission]].

* * *

- (q) All additional for-hire licenses to operate a taxicab which are authorized pursuant to this section shall be issued by the CSD in accordance with the following procedures:

* * *

- (5) Conditions of all new taxicab licenses. It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under the authority of such license shall be driven by the license holder one (1) out of two (2) shifts per day an average of five (5) days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five-year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five-year period following issuance where the license is transferred involuntarily pursuant to Section 31-82(r) or due to the death or incompetency of the for-hire license holder>>, including an irreversible medical condition rendering the chauffeur unable to perform the duties of a chauffeur, such as loss of sight, paralysis, or a terminal illness<<. Where a new for-hire license is revoked [[because it has been assigned, sold or transferred in violations of section

~~31-82 (q) (5)]~~ >>during the five-year period immediately after the issuance of the license<<, the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

* * *

Sec. 31-93. Special Provisions.

* * *

(c) Underserved taxicab service area.

* * *

- (2) In each of the calendar years [~~2000, 2001, 2002, and 2003~~] >>2004, 2005 and 2006<<, an additional [~~two (2)~~] >>three (3)<< for-hire taxicab licenses shall be issued annually through a separate lottery >>pursuant to Section 31-82 (o)(3)<< to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license for a period of five (5) years after the initial issuance of the license. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be [~~ten thousand dollars (\$10,000.00)]~~] >>fifteen thousand dollars (\$15,000)<<.

* * *

~~[(d) Notwithstanding the requirements of Section 31-89(f) of the Code, any properly permitted and inspected taxicab vehicle over eight (8) model years of age as of December 31, 2001, shall be allowed to be operated as a taxicab for an additional six (6) month period. Notwithstanding the requirements of Section 31-89 (d) of the Code, the CSD shall waive the reinspection fee for taxicabs during the period between the effective date of the ordinance from which this subsection derives and January 31, 2002.]]~~

>>(d) South Miami-Dade taxicab service area.

A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 136 Street. In each of the calendar years 2004, 2005 and 2006, seven (7) additional for-hire taxicab licenses shall be issued annually through a separate lottery, pursuant to Section 31-82 (o) (2), to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license for a period of five (5) years after the initial issuance of the license. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000).<<

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

GKS

Gerald K. Sanchez

PLEASE NOTE: THE NEXT HAND-NUMBERED PAGE IS 19



MEMORANDUM

Amended
Substitute
Agenda Item No. 5(M)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 7, 1998

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
Regulation of For-Hire
Vehicles and Passenger
Motors Carriers

O#98-105

The accompanying substitute ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss. The substitute differs from the ordinance originally proposed in that it:

(1) Amends the following definitions in Section 31-81: "chauffeur agreement" is pluralized and the phrase "and the chauffeur and the for-hire license holder" is added; "dispatch" is amended to include the phrase "or cellular telephone"; "operator" is amended to add the phrase "and her, his or its agent, where applicable, which shall be a taxicab for-hire management company" and the phrase "for-hire management company registration, or operating permit or chauffeur registration" is deleted; "taxicab" is amended to include the phrase "either street hail or prearranged"; and "two-way dispatch system" is amended to include cellular telephones,

(2) Amends section 31-82(c) to eliminate the requirement to file management agreements with the CSD;

(3) Amends section 31-82(c) to require for-hire license holder applicants to provide the name of the for-hire management company who shall act as the for-hire license holder's agent, where applicable;

(4) Amends section 31-82(e) to require the license holder to submit a sworn statement that the applicant has executed a management agreement, instead of filing the agreement;

(5) Amends section 31-82(h) to delete the requirement that a renewal license shall not be issued if a management agreement has not been registered with CSD;

(6) Amends section 31-82(j): to correct various scrivener's errors; to provide that the for-hire license holder and her, his or its agent shall comply with the rules mandated therein; and to add section 31-82(j)(13) which requires a license holder to enter into a written agreement for a specified period of time with each chauffeur allowed to operate any for hire vehicle;

(7) Amends section 31-82(b) to replace the terms "liability" and "strictly liable" with "responsibility" and "responsible";

(8) Amends section 31-82(l) to add "limousine" where the term license or for-hire license is used;

(9) Amends section 31-82(m) to replace the sixty (60) day time frame referenced therein with one hundred twenty (120) days and to allow for a sixty (60) day extension by the CSD provided good cause be shown;

(10) Amends section 31-82(o) to provide that by January 1, 1999 twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until June 1, 2003, instead of one hundred (100) licenses a year for a two-year period;

(11) Amends section 31-82(p) by changing the effective date of the population ratio from the year 2000 to 2004;

(12) Amends section 31-82(q)(1) to add the word "period" after the phrase "five (5) year";

(13) Amends section 31-82(r)(6)(i), (vi) and (viii) to provide that the amount bid must be paid within seven (7) business days and to provide that the application shall be filed within thirty (30) days and that operations may continue during the pendency of an application. Subsection (r)(7)(iii) is amended to permit an extension provided good cause is shown;

(14) Amends section 31-84(a)(9) and (10) to create an advisory group to provide advice regarding for-hire matters and to provide for a standardized reporting technique after consultation with the advisory group;

(15) Amends section 31-85(a) to provide for a uniform color, yellow, for all taxicabs;

(16) Amends section 31-86(a) to provide that customer receipts may be handwritten or generated by a meter and shall include specific information;

(17) Amends section 31-89 (b) to clarify that the markings on the vehicle shall include the trade name and management company telephone number, and to allow for the use of a cellular telephone for two-way communications;

(18) Amends section 31-89 (f) relating to vehicle age to provide that vehicles shall be five model years or less when placed into service and shall not exceed eight (8) model years. The substitute also provides that existing vehicles will be provided a two-year grace period to comply with these age limitations;

(19) Amends section 31-89(g) to provide that cellular telephones may be used to satisfy the requirement for two-way communication;

(20) Amends section 31-100(b) to provide that two-way dispatch may be by radio or cellular telephone and to delete the provision relating to assigning or providing chauffeurs, providing or maintaining accuracy of taximeters, and obtaining and processing insurance claims;

(21) Amends section 31-100(c)(6)(vi) to include the phrase "cellular telephone" and substitutes the word "manifest" with "record." The substitute also amends section 31-100(c)(1) by adding the words "mailing" and "business";

(22) Amends section 31-100(e) to provide that two-way dispatch may be by radio or cellular telephone, and by deleting the requirement that management companies equip vehicles with two-way radios and the phrases "file and registered with the CSD" and "and files with the CSD";

(23) Amends section 31-100(g) to delete the requirement to file agreements with CSD and to cease operations within the grace period for renewal;

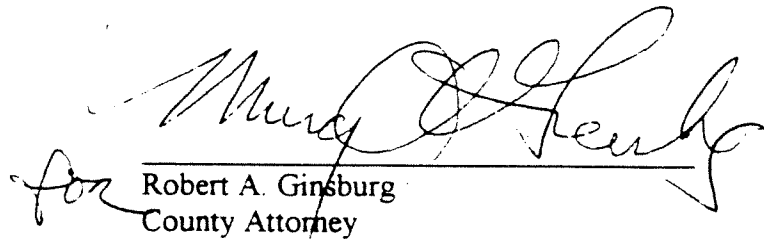
(24) Amends section 31-100(j) to reduce the cancellation period from sixty (60) days to thirty (30) days, and to allow for cancellation for good cause;

(25) Amends section 31-100(k) by deleting the requirements previously found in section 31-100(k) (4), (5), (6), (7), (8), (10), (15) and (16), and modifying the requirements of subsection (k)(13). With a few exceptions, the Rules of Operation which have been deleted from section 31-100(k) have been added to section 31-82(j) and are now rules of operation which must be adhered to by for-hire license holders and their agents;

(26) Amends section 31-101(c) to clarify that no person may advertise a rate or fare other than as provided in the Code;

(27) Amends the effective date to provide that: sections 31-82(a), 31-85(j), 31-89, 31-90, 31-91 and section 3 of this ordinance shall become effective thirty (30) days after the date of enactment of this ordinance; sections 31-82(c) through (k), 31-86, 31-87, 31-88, 31-100, 31-101 and 31-109 shall become effective one hundred and twenty (120) days after the date of enactment of this ordinance; and the remaining provisions shall become effective two hundred and seventy (270) days after the date of enactment of the ordinance; and

(28) Amends the schedule of 8CC penalties consistent with the above-referenced amendments.


for Robert A. Ginsburg
County Attorney

RAG/bc



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 7, 1998

FROM: M.R. Stierheim
County Manager

SUBJECT: Business and fiscal impact
statements concerning proposed
for-hire taxicab ordinance
amendments

At the June 16, 1998 Commission meeting, the Board directed staff to provide a business impact statement concerning the proposed for-hire taxicab ordinance amendments adopted on first reading and scheduled for public hearing on July 7, 1998. This report contains the business and fiscal impact statements, as well as a matrix summarizing the provisions of the ordinance and accompanying documents.

Business Impact Statement

- Enhanced standards for initial, transfer and renewal applications.

Business impact: It cannot be determined in advance which license holders may not meet the enhanced application standards. In the event a license holder does not meet the standards, through due process measures, a license holder may divest of the license.

- Residency and domicile in South Florida (Palm Beach, Broward, Miami-Dade, and Monroe Counties) by January, 2001. An agent may represent the license holder until 2001 for purposes of residency.

Business impact: Based on the current residency disclosure requirement of the Code, approximately 363 taxi license holders reside outside of the south Florida area. The remaining 1, 461 taxi license holders list residency addresses in South Florida; however, all may not be domiciled in South Florida. All limousine license holders are residents and domiciled in South Florida.

- Place of business in Miami-Dade County.

Business impact: The place of business is defined as the business address of the entity providing management services. The current taxi management companies are all located in Miami-Dade County.

- Issuance of 100 taxi medallions for each of two years. The substitute ordinance proposes issuance of 25 taxi medallions each year for five years.

Business impact: The dollar impact of issuing 100 licenses for each of two years has not been quantified. At a Commission workshop, an industry member represented that the effect would be

a 22 % reduction in revenue to each chauffeur. Industry representatives indicated that 20 to 25 taxi medallions is a more appropriate number. Chauffeurs indicate that the addition of 100 medallions will not have a deleterious effect.

- Issuance of medallions for a fee of \$30,000. The substitute extends the time-frame to obtain the financing to 120 days and provides for a 60 day extension if good cause is shown.

Business impact: A winner of a lottery medallion will have to secure \$30,000 within 120 days in order to obtain the medallion. There are financing costs associated with obtaining loans depending upon the loan source. \$30,000 financed over a ten-year period at an interest rate of 13% requires a monthly payment of \$448. In the current license system, lottery winners have had to pay less than \$1,000 for the license to operate; however, 201 of the lottery licenses have been transferred for disclosed prices ranging between \$12,000 to \$60,000.

- Ten years after the ordinance effective date, every taxicab for-hire license must be owned by a natural person who will drive the taxicab.

Business impact: The following table indicates the distribution of the existing licenses. Some license holders are owner-operators. Some license holders may choose to drive the taxicab.

# Licenses	1	2	3	4	5	6	7	8	9	10	11	12	18	106
# Persons or entities holding licenses	623	162	72	37	23	17	6	7	4	2	2	1	1*	1*
	623	324	216	148	115	102	42	56	36	20	22	12	18	106
* Corporation of Multiple Share holders - Super Yellow, where each share represent a license. # Persons or entities holding the specific number of licenses is approximate because there are persons with several corporations which hold licenses.														

- Transfer of taxi medallions to chauffeurs.

Business impact: There are 3,700 for-hire taxi chauffeurs. Approximately 400 new taxi chauffeurs enter the market each year. Current for-hire license holders are concerned that a small percentage of current taxi chauffeurs will be able to qualify for a loan to purchase the medallions, resulting in reduction in price of the existing medallions. It is not possible to predict with certainty who will or will not qualify for a loan, however, given the annual growth, there appears to be a sufficient pool of buyers.

- Apprentice Program for initial taxi chauffeurs by January 2,000.

Business impact: A dollar value has not been quantified. Although the program has not been designed, the concept includes one week of classroom training and three weeks of field training. A chauffeur registration will not be issued until an applicant has concluded the program. A potential chauffeur will need an alternate source of income during the period. The community will benefit from the increased qualifications of the chauffeur, which may result in increased gratuities and taxi trips to a chauffeur.

- Purchase of newer vehicles. A lottery medallion winner must place a less than one year vehicle into service and remove same after five model years. Existing license holders have a three-year grace period or 15 years whichever is sooner to operate a vehicle that is no older than five model years. The substitute provides that a lottery medallion winner will need to purchase a vehicle, which is 5 years of age or less and has not been used as a taxicab, and replace the vehicle after 3 years as a taxi (maximum of 8 years). Existing taxicabs must be replaced within a two-year grace period or 15 years whichever is sooner with a vehicle that is 5 model years or less and which is removed from service after three years as a taxi.

Business impact: The cost of a new vehicle ranges from \$16,000 to \$25,000. The County purchases a Crown Victoria with a police package for \$19,500 and a Chrysler Mini Van for \$15,800. Advertisements and contact with various automobile dealers in the County indicate that prices for three year sedans or mini vans range from \$8,000 to \$12,000. Cost avoidance opportunities, if a vehicle is newer, are less inspections and less maintenance costs. Collision insurance coverage, generally required when new vehicles are financed, appears not to be available or not available at an affordable rate. The following chart depicts the current vehicle age of taxicabs.

Model Years	Number of Taxicabs
1 to 5 years	25
6 to 8 years	327
9 to 10 years	529
11 to 15 years	943

- One uniform color scheme for all taxicabs. Contained in substitute per request of industry.

Business impact: Each taxicab, when replaced, must be painted in accordance with the uniform color scheme. Taxicabs must currently be painted in the unique color scheme of the taxi company with which a license holder is associated; therefore, no additional cost should be experienced. There should be cost avoidance for vehicle owners when license holders change their taxi company.

- Two-way radio dispatch operations and radio requirement for each taxi. The substitute enables use of radio or cellular telephone.

Business impact: A single radio base frequency costs \$205, including a \$75 application fee. Each radio ranges in price between \$350 - \$400, with a repeater relay transmitter costs between \$2,500 - \$15,000; however transmitters can be rented for \$200 per month and repeater maintenance is between \$100 - \$400 per year. An FCC license cost \$70 and is renewable every five (5) years. The largest taxicab companies, including Yellow Cab, Metro-Taxi, Diamond Cab, as well as some smaller companies such as Tropical Taxi already have two-way mobile radio service. Currently, approximately 1,000 taxicabs, via Yellow Cab, Super Yellow Cab, Diamond Cab and Central Cab companies provide two-way radio service; however, this number may be higher because individual taxicabs from other companies can subscribe with the companies capable of providing radio dispatch.

If a company decides to utilize cellular phones to maintain communication with its chauffeurs, chauffeurs will incur an initial and monthly cost to rent a cellular phone. The initial activation fee ranges between \$15 - \$25, and the monthly charge varies depending on the minutes, peak time, etc.

All companies have to maintain a telephone number for receiving calls for service from the public and, therefore, staffing to process the calls. Companies already providing radio dispatch services should not incur any additional costs. Companies which communicate via telephone may need additional staffing resources to communicate with drivers in the field if dispatch services were not routinely provided.

Sources for this data include: Miami-Dade Information and Technology Department, The Motorola Store, General Electric, Lama Electronics, Inc., ProComm SouthEast, Flamingo Taxi, Super Nice/Miami Dade Taxi and the Federal Communications Commission.

- Electronic receipt taximeter in each taxicab by January, 1999. The substitute enables a handwritten or meter receipts.

Business impact: The price for electronic receipt meters ranges from \$350 to \$600. This does not include installation or maintenance.

- Insurance at all times regardless of location.(The Code insurance requirements pertain to third party liability)

Business impact: Some industry representatives have indicated that there is an additional cost for coverage at all times; however, it has not been quantified and insurers of taxicabs have indicated that there is no additional cost. A taxicab is for-hire at all times; therefore, coverage is expected at all times.

- Taxi Management Company regulation.

Business impact: The majority of the functions are presently being performed by these entities which the public perceives as the taxi service provider. Companies are required to meet various application requirements. It is not possible to determine in advance which companies may not meet these requirements. These companies will now be subject to fines if there is noncompliance. A fee for the registration will be determined by Administrative Order.

Fiscal Impact Statement

Miami-Dade County already regulates the for-hire industry. Code compliance activities are supported by regulatory and some fine revenue. The proposed amendment to Article II of the Code, primarily relating to taxi regulations, will necessitate: expansion of the computer data base to accommodate the change from a license to a medallion system; revised application forms and documents, as well as distribution of updated Code provisions and educational materials; design and implementation of an apprentice program for initial taxi chauffeurs; regulation of taxi management companies; and an increased enforcement component consisting of additional

enforcement officers, increased use of "shopping services" and automation of field enforcement processes to implement added Code enforcement remedies to curb illegal operations. The activities will be funded from revenues resulting from the sale of additional medallions and fees to be established by administrative order.

BACKGROUND DATA RELATING TO TAXIS IN MIAMI-DADE COUNTY

Miami-Dade County has regulated the taxi industry on a countywide basis since 1981. Prior thereto, County regulations applied to the unincorporated area. The regulations were and are established for the health, welfare and safety of the public. Licenses granted by the County, regardless of the industry regulated, are a privilege, not a property right. Licenses, permits, registrations do not confer value; they merely enable a person or entity to provide a service. However, in areas where the number of licenses issued has been limited in number, the marketplace has unofficially ascribed some degree of value.

The ordinance amendments propose a conversion of the present taxi license system to a medallion or intangible property right system. It is recognized that a system of open entry would flood the market with taxicabs, leading to predatory practices; therefore, a reasonable limitation on the number of vehicles is necessary to enable chauffeurs to derive revenue while providing good, safe passenger service. Institution of a property right system will enable traditional financing providers to avail the taxicab industry with funding sources, provided the licenses do not become speculative tools.

In converting the present license system to a medallion system, the proposed ordinance establishes the rules and regulations of the medallion system.

Between the inception of Countywide regulation and 1988, no additional taxi licenses were issued. In 1988 the Board authorized the issuance of 323 taxi licenses, which as a result of a court settlement, were distributed over a period of 24 months. The following provides information concerning the present status of licenses, as well as the distribution:

License status	Number of licenses
Authorized, including lottery	1,827
Revoked	3
Actual issued	1,824
Lottery licenses transferred	201
Pledged	29
Under conditional sale	14
Pending conditional sale approval	19

Distribution of for-hire licenses														
# of Licenses	1	2	3	4	5	6	7	8	9	10	11	12	18	106
# of Persons or entities	623	162	72	37	23	17	6	5	4	2	2	1	1*	1*
<p>*Corporation of Multiple Shareholders- Super Yellow, where one share is equivalent to one license No persons or entities holding the specific number of licenses will vary because there are persons who have several corporations which hold licenses.</p>														

The length of time which license holders have held licenses is varied. In some instances there are licenses which reflect issuance dates as early as 1982, while many have been transferred through the ensuing years. In 1991, the Board amended the Code and required the disclosure of the price for which a license was sold/transferred. Prior to that there is no record for what amounts may have been paid for transfer of a license. A summary of transfers during the period of 1992 to 1997 is presented below.

27

TAXI LICENSE TRANSFERS SINCE 1992						
	1992	1993	1994	1995	1996	1997
Number of transfers	112	79	150	140	156	197
Number transferred for \$	91	62	128	111	120	145
Number with no \$'s	21	17	22	29	36	52
Average price	\$26,321	\$28,950	\$31,727	\$44,291	\$44,960	\$51,658
Median price	\$26,500	\$29,750	\$35,000	\$46,000	\$50,000	\$51,658
Value of all sales	\$2,395,233	\$1,910,750	\$4,445,090	\$4,916,370	\$5,395,294	\$7,490,500

Of the 834 transfers during the period, there have been 129 licenses which were transferred more than once. In various instances, the first or second transfer occurred between family members and no compensation was declared. Examples of multiple transfers and the sale prices follow:

License No.	Price	Date of sale
60	26,000	12/91
60	49,000	6/95
75	22,500	12/91
75	29,500	4/93
75	65,000	10/97
3041 (lottery)	25,000	11/92
3,041	40,000	12/96
3,046 (lottery)	45,000	7/95
3,046	60,000	12/97

This information indicates that there is speculation with taxi licenses. Recent transfers of taxi for-hire licenses have declared sales prices of \$80,000. 29 taxi licenses are pledged. Some of these are being financed over a ten-year period at varying interest rates. In example, a license was recently transferred for \$60,000. A loan for \$55,000 was financed over ten years at an interest rate of 13.75%, which results in total payments of \$102,000 if the full period is taken.

Industry representatives state that weekly receipts for "use of the license" presently range between \$180 and \$210 per license. On a yearly basis this represents \$9,360 to \$10,920 on average, in net income, which over a ten-year period will result in \$93,600 to \$109,200. Industry members represent that in 1978, weekly receipts for "use of the license" were approximately \$100 per license and that the weekly amount has increased very gradually to the present levels.

Based on industry data, the costs for a vehicle, vehicle maintenance, radio, beeper or cellular service, as well as insurance are paid for, in the majority, by chauffeurs. Forty two drivers, some who primarily provide service at Miami International Airport and some who serve all areas of the county, were surveyed to determine their weekly costs and revenues. That summary is attached. It appears that the range of take home pay for chauffeurs on a weekly lease is \$360 to \$450. There are presently 3,700 taxi chauffeurs. Approximately 400 chauffeurs enter this field annually. Some chauffeurs are (license)owner-operators.

There are presently 36 taxi management companies which provide services to the public, chauffeurs and license holders. The following table indicates the companies and number of licenses associated with same. Each company has a unique color scheme and telephone number to receive calls for service from the public.

# Licenses managed by Taxi Co.	# Taxi Companies
1 to 10	15
11 to 25	7
26 to 75	7
76 to 125	3
126 to 200	1
201 to 300	2
300 to 399	1

Taxi Expense and Revenue Survey

1. Taxis working exclusively at the taxi lot at Miami International Airport, where the driver owns the vehicle and does not use a radio for dispatch:
 - a. The average lease ranges between \$260 - \$270 per week;
 - b. Fuel averages between \$15 - \$20 per day;
 - c. Tolls average between \$7 - \$12 per day;
 - d. Vehicle maintenance averaged around \$100 per month;
 - e. Each driver worked between 12-14 hours per day, 7 days per week and averaged approximately 8 trips from the airport;
 - f. The average revenue ranged between \$100 - \$115 dollars per day.
 - g. Total average expenses per week = \$320
 - h. Total average revenue per week = \$770
 - i. Average chauffeur take home per week = \$450
2. Taxis working exclusively at the taxi lot at Miami International Airport, where the driver does not own the vehicle and does not use a radio for dispatch:
 - a. The average lease ranges between \$320 - \$420 per week;
 - b. Fuel averages between \$15 - \$20 per day;
 - c. Tolls average between \$7 - \$12 per day;
 - d. Vehicle maintenance averaged around \$100 per month;
 - e. Each driver worked between 12-14 hours per day, 7 days per week and averaged approximately 8 trips from the airport;
 - f. The average revenue ranged between \$100 - \$115 dollars per day.
 - g. Total average expenses per week = \$410
 - h. Total average revenue per week = \$770
 - i. Average chauffeur take home per week = \$360
3. Taxis working throughout Miami-Dade County, where the driver does not own the vehicle uses a radio for dispatch services and works one shift per day renting the vehicle:
 - a. The average lease ranges between \$35 - \$60 per day for a 12-hour shift;
 - b. Fuel averages between \$15 - \$20 per shift;
 - c. Tolls average between \$3- \$5 per day;
 - d. Vehicle maintenance is \$0 per day because vehicles are rented;
 - e. Each driver worked between 9 - 12 hours per day, 7 days per week and averaged approximately 15 - 20 trips per day;
 - f. The average revenue ranged between \$130 - \$160 dollars per day.

- g. Total average expenses per day = \$75
 - h. Total average revenue per day = \$150
 - i. Average chauffeur take home per day = \$75
4. Taxis working as Airport Regional Taxicabs (ARTS) only:
- a. The average lease ranges between \$275 - \$290 per week;
 - b. Fuel averages between \$105 - \$140 per week;
 - c. Tolls average between \$84 - \$100 per week;
 - d. Vehicle maintenance is about \$35 per week;
 - e. Each driver worked between 12-16 hours per day, 7 days per week and averaged approximately 12 - 17 trips per day;
 - f. The average revenue ranged between \$750 - \$1060 dollars per week;
 - g. Total average expenses per week = \$520
 - h. Total average revenue per week = \$950
 - i. Average chauffeur take home per week = \$430
5. Taxis working throughout Dade County where the driver owns the vehicle , uses radio service and does not work at the Airport:
- a. The average lease ranges between \$240 - \$415 per week;
 - b. Fuel averages between \$90 - \$150 per week;
 - c. Tolls average between \$28 - \$35 per week;
 - d. Vehicle maintenance is about \$35 - \$40 per week;
 - e. Each driver worked about 12 hours per day, 6 - 7 days per week and averaged approximately 12 - 20 trips per day;
 - f. The average revenue ranged between \$500 - \$1,000 dollars per week;
 - g. Total average expenses per week = \$460
 - h. Total average revenue per week = \$900
 - i. Average chauffeur take home per week = \$440

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS
COMPARISON TO EXISTING PROVISIONS IN ARTICLE II OF CHAPTER 31 AND SUBSTITUTE

This comparison highlights major areas of reform in Article II, and therefore, does not list all proposed changes. Where proposals are characterized as being "same", the concept is the same, however, there may be/are wording differences, which in some cases are material. The ordinance is intended to amend taxi regulations; however, in various instances, changes will affect limousines since these are governed by Article II.

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
A Definitions	31-81	31-81	31-81
	Definitions	Definitions expanded Taxi vehicle may be sedan, station wagon or mini van	Some definitions modified, otherwise same
B For-hire licenses	31-82	31-82	31-82
31-82 (a)	Prohibits operations without for-hire license.	Prohibits advertising or offering for-hire services without a for-hire license.	Same
Application requirements for initial, renewal and transfer applications.	Application requirements include: applicant identification, residence address, business location, management plan, credit references (2 with one being a bank), criminal history review, for-hire service characteristics.	Application requirements include most of the elements under current regulations. Requires residency and domicile in quad-county area for license holders by January, 2001. During interim, license holder's agent must be located in quad-county area. Place of business in Miami-Dade County and properly zoned. Criteria for approval based on above factors, with greater specificity concerning the criminal history; prior injunctions, judgments relative to for-hire operations. Administrative approval of licenses meeting all conditions for eligibility.	Same; however, license holder may employ agent, which is the management company, to act on its behalf relating to license holder responsibilities for daily operations of a for-hire vehicle.

31

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
Number of for-hire licenses	BCC authorizes number of additional taxi licenses to be issued after public hearing based on ratio of 1 for-hire license per 1,000 residents ; thereafter, administrative process through lottery to qualified drivers meeting criteria.	100 for-hire taxicab licenses to be issued annually from 6/1/98 until 6/1/00. After June 1, 2000 for-hire licenses issued pursuant to existing 1:1000 population ratio on annual basis. CSD updates population data annually by April 1 and City Mgr issues report to BCC. Unless BCC determines to hold public hearing, requisite number of taxi licenses issued via lottery to qualified 5 year drivers meeting criteria.	25 for-hire lottery taxi medallions will be issued annually for five years. Commencing June, 2004 for-hire licenses issued annually pursuant to 1:1,000 population ratio. Same
Renewal	Admin. renewal based on Code compliance. License expires and is automatically revoked for failure to renew.	Admin. renewal based on standards for initial issuance. Automatic revocation for failure to renew, after revocation hearing. Denial recommendations subject to suspension/revocation proceedings	Same
Rules for operation	Provisions not specified	Requires compliance with all applicable laws. Immediate reporting of address change. License holders, where applicable, required to have agreement with management company or to perform functions directly. License holders to obtain operating permit for each vehicle and pay application and inspection fees. Violations incorporated into 8CC; license holders jointly responsible for violations. License holders strictly liable for applicable violations of Article arising from operation of for-hire vehicle.	Same; however, various responsibilities, previously contained in the management company responsibilities, were placed in this section. License holder to have agreement with chauffeur. Term liability changed to responsibility and term "strict" removed.

24 32

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
Taxi Medallion system	Current system of licensing is a License.	Establishes a taxi medallion system. New taxicab for-hire licenses to be issued as medallions. Price for initial medallion established at \$30,000. Lottery winners have 60 days to tender payment. Existing for-hire taxi license holders receive one medallion for each for-hire taxi license after paying administrative fee to be established by administrative order.	Same Lottery winners have 120 days to tender payment. and additional 60 day period may be granted for good cause. Same
Random taxi lottery	Additional for-hire taxi licenses issued pursuant to lottery procedures. Five separate taxi lotteries: 20 year drivers; eligible veterans; single heads of household; disabled; and remainder to chauffeurs with valid chauffeur's registration for 3 years prior to application for lottery. All categories must meet minimum threshold of 3 years.	Additional for-hire taxi medallions issued to chauffeurs with valid chauffeur's registration for 5 years prior to application for lottery who never held any interest in a for-hire license. Random lottery time-frames determined by CSD. CSD is authorized to conduct separate random lottery if the number of valid for-hire taxicab licenses is less than number authorized. Deadlines to be determined by director.	Same; clarifies that qualification period is "immediate" prior 5 years. Same
Conditions for new taxi licenses	3 year probationary period. No transfer of taxi license within this period.	No voluntary transfer of lottery taxi medallion for 5 year period from issuance, except under involuntary conditions or death or incompetence of chauffeur. If	Same

23

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
		<p>revoked, proceeds after sale go to lien holders, then MDC.</p> <p>Chauffeur must drive 1 of 2 shifts per day an average of 5 days per week.</p> <p>Chauffeur must drive less than 5 year vehicle.</p> <p>Medallions issued in chauffeur name only.</p>	<p>Same</p> <p>Chauffeur must acquire vehicle which is less than 5 model years and has not been used as a taxi. Vehicle may operate as a taxi for 3 yrs., then must replace.</p> <p>Same</p>
Transfer of taxi licenses	<p>BCC approval for transfer to a non license holder.</p> <p>Administrative approval for transfer between license holders.</p> <p>Must meet Code requirements.</p> <p>Must disclose terms and conditions of sale, including price or provide contract.</p> <p>Licenses may be pledged for loan to acquire taxicab to taxi license.</p>	<p>Administrative approvals for any transfers. Any change in corporate or partnership structure of at least 5% is deemed a sale.</p> <p>Transfers may be by purchase, gift, bequest or operation of law subject to meeting Code requirements.</p> <p>Provide contract with terms and conditions and sale price.</p> <p>Restricts assignments, sales, and transfers to taxicab chauffeurs who must drive vehicle and not have any interest in any license.</p> <p>Within 10 yrs. after effective date of ordinance, every taxicab license to be owned by natural person who does not have another license or interest in entity which</p>	<p>Same for all; however, some time-frames for filing applications after a sale, judgment or bequest have been revised. Persons are provided time-frame by which to file application.</p>

34

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
		has a license and who will drive the taxi 5 days per week.	
		Unless otherwise allowed, if there is a judgment filed against license holder, a bond must be filed in order to allow transfer.	
Conditions on voluntary transfers	Present Code permits transfers to parties who meet application requirements.	Must meet requirements of Code.	Same
Conditions on involuntary transfers	Taxi licenses which have been pledged may be transferred, upon BCC approval, to lending institution.	A taxicab medallion owner's interest in a for-hire taxicab medallion may be revoked and be subject to a public sale; transferred pursuant to a court order and disposed of by public or private sale; affected by a bona fide lien or foreclosure. Proceeds of sale are to be distributed accordingly (lien holder, county, or former license holder).	Same
Estate to beneficiary	Present Code enables transfers.	Estate Administrator may operate taxicab with CSD approval. Must apply for approval w/in 60 days. Beneficiary must meet eligibility of Code or transfer medallion to chauffeur w/in specific time-period.	Same except time-frame may be extended.
Conditional sale agreement	All conditional sales are subject to County approval as for a	Terms must be disclosed. Seller is liable for all penalties and fines, unless the buyer	Same

X 35

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
	transfer and the terms of all sales must be disclosed.	is termed liable. Seller must notify CSD in case of repossession.	
Transfer of Limousine license	BCC approval for transfer to a non license holder. Administrative approval for transfer between license holders.	Original provisions unchanged except to add "limousine license "	Same
C Chauffeur's Registrations	31-83	31-83	31-83
	Chauffeur requirements for all for-hire chauffeurs amended in 1994.	Adds provision for initial taxi chauffeurs to complete an apprentice program to be established by CSD. Effective 01/00	Same
D Duties of CSD	31-84	31-84	31-84
	Outlines responsibilities of CSD vis a vis assuring compliance with the Code provisions.	Amends existing to issue, deny, suspend or revoke all for-hire licenses, management company registrations, chauffeur's registrations; prepare and conduct apprentice program. Upon court order to have closed and sealed unlicensed service.	Same; however, reinstates several provisions deleted by original ordinance. Specifically, the advisory group to the department and common reporting technique.
E Rules for operation	31-85	31-85	31-85
	Existing rules for operation include provisions relating to taxicab color scheme; public	Some provisions necessitate change because Article II also applies to limousines. The management plan	Same for all; however, per industry request a uniform color scheme for all taxicabs is

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	<u>SUBSTITUTE</u>
	taxicab stand rules; passenger property; compliance with rules; retention of trip sheets and manifests; central place of business; maintenance/availability of records; prohibited practices; display of out of service or off duty sign; and "buying of doors" provisions.	requirements for limousine operators were previously in 31-82. The plan requirements to do not change. "Buying of doors" provisions updated.	added. New scheme to be added as each vehicle is replaced.
F	Taximeters		
	General	31-86 Provisions amended to require electronic taximeter which must print receipt with amount charged, name of management co., operating permit number and phone number for filing complaints with CSD. Effective one year after adoption	31-86 The electronic receipt meter is not mandated. The receipt to be offered passengers may be handwritten or generated by a meter. The receipt must include the same information as required in the original submission.
G	Rate Regulation		
	General	31-87 Amends to enable BCC, by resolution, to establish minimum rates for limousines governed by Article II and stretch limousines governed by Article III. Same	31-87 Same
H	Insurance requirements		
		31-88 An appeal of a BCC decision is appealable to Courts.	31-88

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
General	Requires 50/100/20 coverage by FIGA company The license holder, chauffeur and vehicle owner must be listed as insureds under policy for for-hire vehicle.	Same. The license holder or entity providing management services to obtain insurance listing license holder, vehicle owner, chauffeur and management company as insureds. 24-hour coverage required, regardless of for-hire or not, or location. Certificate of insurance requires federal vehicle identification number and description of the vehicle. Same Examination of original policies and agreements.	Same for all
I Vehicle standards	31-89 Contains various standards for inspection, required safety and mechanical inspection standards to be adopted, contains vehicle inspection frequency, radio requirement for lottery taxicabs and two-way communications for limousines.	31-89 References that applicable Code of Federal Regulations and Florida Statute provisions apply. Incorporates current standards City Mgr report adopted by BCC in 1989. Enhances the standards and incorporates tolerances and minimum inspection criteria.	31-89 Same; however, the two-way radio requirement may be met with cellular telephone.

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
		3rd party advertising permitted per CSD rules.	
	Taxi Lottery vehicles required to have two-way radio.	All taxis required to have two-way radio by 1/1/99	
Vehicle age	15 yrs for taxi and limousine.	Taxicab maximum age revised to 5 yrs. Taxicabs in service as of 5/1/98, have 3 yr. grace period or until vehicle reaches 15 yrs, whichever is less. New (lottery) for-hire taxicab license holder's vehicle must be less than 1 year and no more than 5.	A vehicle must be 5 model years or less to be placed into service and not previously operated as a taxi and may be operated for 3 years as a taxi. Lottery medallion winners must comply upon beginning service authorized by license. Others with taxicabs in service as of 5/1/98 have two years or until vehicle reaches 15 years whichever is sooner , to replace vehicle.
Inspection schedule			
1-2 yrs.	Annually	Same	Same
3-4 yrs.	Semiannually	Same	Same
5+ yrs.	Quarterly	Same	Same
J Suspension and revocation proceedings	31-91	31-91	31-91
	Uses different criteria for suspension or revocation of chauffeur's registrations and for-hire licenses	Criteria combined into one section which in addition to chauffeur's registrations and for-hire licenses applies to for-hire management company registrations and operating permits. Criteria expanded to	Same

39

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
		include failing drug tests required by law for chauffeur), criminal history which would preclude license/registration/permit issuance and failure to meet renewal standards.	
Appeals of denial, suspension or revocation determinations	Recommendations for suspension or revocation scheduled for administrative hearing. Hearing officer submits findings and recommendations. Hearing officer may affirm or reverse director's decision. If affirmed, appeal made to county manager and subsequently to the Circuit Court for Miami Dade County. (Currently Clerk of Courts Hearing Officers used)	Determinations for denial, suspension or revocation issued by CSD. May be appealed. Administrative hearing conducted by Hearing Officers who are appointed by Clerk of Courts. Procedures for hearings are based on current Article II and 8CC procedures. Named party or county, may appeal the hearing officer's decision to the Circuit Court for Miami Dade County.	Same
K Violations; penalties	31-92	31-92	31-92
	Non chauffeur fines are criminal misdemeanors. (Chauffeurs fines were incorporated under 8CC in 1994). Fines range between \$25 and \$100. Few violations are higher.	All violations to be incorporated under 8CC. Fines outlined in Sec. 3 of ordinance: range from \$50 to \$1000 (similar to chauffeur) for failure to have license.	Same for all
	Failure to comply may result in revocation or suspension. (Note: neither licenses nor registrations	Failure to pay civil penalty within time-frame results in automatic suspension. 5 violations of the same section within 12	

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
	are renewed if citations are outstanding)	mo. period results in automatic revocation. 5 violations within 12 mos. results in suspension for up to six months. Anyone found guilty of advertising or providing for-hire operations without a license or providing mgt. services or driving without requisite registrations on two occasions within a period of 3 yrs is subject to fines between \$5,000 and \$10,000 and up to 45 days imprisonment. Penalties for other criminal violations are increased	
L For-hire taxicab management companies	31-100 Principal player and entity which consumers identify as service provider. Entity is not regulated specifically.	31-100 Requires taxi management company registration. Responsibilities include: providing color schemes, two-way radio dispatch services, providing chauffeurs for taxi service, providing and maintaining taximeters, handling passenger complaints, obtaining insurance and processing insurance claims. Application requirements contains criteria for approval, issuance and renewal. Registrations are not to be sold, assign, leased or transferred. Any change in	31-100 Removes checking of taximeters, assigning chauffeurs, processing insurance claims. Two-way communication may be by radio or cellular telephone.

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

	<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
		control of ownership requires a new registration. Taxi Mgt. company must enter into written agreement with each taxi license holder. Taxi Mgt. company must enter into written agreement with each taxi chauffeur. Both agreements require 60 days notice of termination and specify other terms. Other responsibilities include: maintaining for one year a copy of the agreements and office manifests; Not allowing unlicensed chauffeurs to operate or allowing chauffeurs without requisite agreements; Not allowing operations without license or vehicle inspection; Not allowing unsafe vehicle; Maintaining customer complaint log; Providing accident reports; Refusing transportation Violations incorporated in 8CC.	Notice of termination changed to 30 days and cause. Clarifies that agreements are not filed with CSD. Placed in 31-82 Placed in 31-82 Placed in 31-82 Maintaining accident reports Clarified. Prohibited from refusing to dispatch. Same
M Advertising		31-101	31-101
General	No requirements relating to advertisement	Requires that advertisements contain for-hire license or management company number. Violation for license holder or publisher to publish without requisite	Same. Some clarification.

42

PROPOSED TAXI REGULATION AMENDMENTS BY COMMISSIONER MOSS

		<u>CURRENT REGULATIONS</u>	<u>COMMISSIONER MOSS PROPOSAL</u>	SUBSTITUTE
			information. Violation to advertise a fare or rate other than as authorized by Code.	

43

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute
Agenda Item No. 5(M)
7-7-98

ORDINANCE NO. 98-105

ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO REGULATION OF FOR-HIRE MOTOR VEHICLES AND PASSENGER MOTOR CARRIERS; AMENDING REQUIREMENTS RELATING TO LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES AND PASSENGER MOTOR CARRIERS; CREATING MEDALLION SYSTEM FOR TAXICABS; AMENDING PROVISIONS RELATING TO TRANSFER OF FOR-HIRE LICENSES; PROVIDING FOR THE REGULATION AND LICENSING OF PASSENGER SERVICE COMPANIES; PROVIDING FOR APPRENTICE PROGRAM FOR CHAUFFEURS; REQUIRING THAT ADVERTISEMENTS FOR FOR-HIRE SERVICES CONTAIN CERTAIN INFORMATION; AMENDING DUTIES AND RESPONSIBILITIES OF THE MIAMI-DADE COUNTY CONSUMER SERVICES DEPARTMENT; AMENDING PROVISIONS RELATING TO INSURANCE REQUIREMENTS, TAXIMETERS, RATES AND ENFORCEMENT; AMENDING VEHICLE STANDARDS AND RULES OF OPERATION FOR FOR-HIRE MOTOR VEHICLES; PROVIDING FOR REVOCATION AND SUSPENSION OF FOR-HIRE LICENSES, PASSENGER SERVICE COMPANY REGISTRATIONS, OPERATING PERMITS AND CHAUFFEUR REGISTRATIONS; AMENDING ORDINANCE NO. 98-3 RELATING TO SEIZURE, IMPOUNDMENT AND FORFEITURE OF FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; PROVIDING DEFINITIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

WHEREAS, taxicabs provide transportation services for compensation over the streets
of Miami-Dade County; and

WHEREAS, it is necessary to license and regulate the use of these vehicles to assure the passengers thereof, as well as others utilizing the streets of Miami-Dade County, that the vehicles are fit and that their operators and chauffeurs are competent to provide such services; and

WHEREAS, the riding public assumes that the company providing the for-hire service is the business owner responsible for ensuring quality service; and

WHEREAS, companies in Miami-Dade County currently provide a comprehensive array of services and while an integral part of the for-hire system such companies are not regulated, and

WHEREAS, in order to ensure accountability it is necessary to license and regulate those who manage for-hire operations; and

WHEREAS, requiring passenger service companies to have their place of business in Miami-Dade County and requiring individual operators and passenger service companies thereof to reside and be domiciled in Broward, Miami-Dade, Palm Beach or Monroe Counties will greatly enhance the efficiency and ease of investigation, inspection and supervision required hereunder; and

WHEREAS, such requirements will ensure that the officers and records of operators and passenger service companies will be available locally; and

WHEREAS, a substantial percentage of the passengers who utilize for-hire vehicles are tourists and business people from out-of-town who are unfamiliar with the relative distances between and the most expeditious routes to their local destinations; and

WHEREAS, this Board finds that in order to improve the quality, efficiency and economy of for-hire service it is necessary that issuance of new taxi for-hire licenses be limited

to persons who are registered taxi chauffeurs and that the transfer of all taxi for-hire licenses be limited to such persons who shall actually drive the taxi for-hire vehicle authorized thereby; and

WHEREAS, this Board further finds that such limitation on transfers of for-hire taxi licenses will encourage entrepreneurship and be an incentive for the taxi driver, who frequently constitutes a traveler's first and last impression of Miami-Dade County, to provide courteous, safe and efficient transportation service,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1 Chapter 31 of the Miami-Dade County Code is hereby amended to read as follows:

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE II. LICENSING AND REGULATION OF
FOR-HIRE MOTOR VEHICLES.

Sec. 31-81. Definitions.

For the purposes of this article, the following definitions shall apply:

[[~~(*)~~]]>>(a)<<The ADA-defined area of Miami-Dade County means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.

[[~~(+)~~]]>>(b)<<The Americans with Disabilities Act of 1990 or the ADA means the civil rights acts signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.

>>(c) "Applicant" means an individual, partnership or corporation which applies for a for-hire license, permit, chauffeur's registration, or a passenger service company registration pursuant to the provisions of this article. "Applicant" shall also mean an individual, partnership or corporation which makes application, where applicable, to renew or transfer a for-hire license, permit, chauffeur's registration or a passenger service company registration pursuant to the provisions of this article. In the case of partnerships and corporations, "applicant" shall also mean each individual with a partnership interest, each shareholder owning at least five (5%) percent of the shares of the corporation as well as the corporate officers and directors<<

[[~~(+)~~]]>>(d)<<"Chauffeur" means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a for-hire passenger motor vehicle.

>>(e) "Chauffeur agreements" means the CSD approved form agreements entered into by the chauffeur and the passenger service company and the chauffeur and the for-hire license holder prior to the provision of any for-hire service <<

[[~~(+)~~]] >>(f)<<"Chauffeur registration" means a ~~[[card issued by the CSD authorizing the holder thereof to operate for-hire motor vehicles.]]~~ >>registration card issued by the CSD <<

[[~~(+)~~]]>>(g)<< ~~[[Industry means the taxicab, limousine, or for-hire vehicle business.]]~~>>"Color scheme" and "markings" mean a County-approved decorative vehicle exterior design to be utilized on each vehicle <<

[[~~(b)~~]]>>(h)<< "Commission" means the Board of County Commissioners of >>Miami<< Dade County, Florida.

>>(i) "County" means Miami-Dade County, Florida.

(i) "County Manager" means the chief executive officer and head of the administrative branch of county government as provided in Article 3 of the Home Rule Charter of Miami-Dade County.

[[~~(e)~~]]>>(k)<< "CSD" means the Miami-Dade County Consumer Services Department

[[~~(d)~~]]>>(l)<< "Director" means the ~~[[Dade County Consumer Services Department]]~~>> CSD director or the director's designee <<

>>(m) "Dispatch" means a communication via two-way radio or cellular telephone from a passenger service company to a taxi chauffeur to provide for-hire transportation to a passenger <<

[[~~(+)~~]]>>(n)<< "Limousine" means any for-hire motor vehicle not equipped with a taximeter, providing seating accommodations for not more than eight (8) persons, exclusive of driver.

[[~~(f)~~]]>>(o)<<"Fares" or "rates" means the charges established pursuant to this article to be paid by passengers for the transportation services provided by ~~[[an operator]]~~ >>a for-hire passenger motor vehicle <<

>>(p) "For compensation" or "compensation" means for money, property, service or anything of value, including tips and commissions.

(q) "For-hire" means driving, operating, or managing a for-hire passenger motor vehicle, and includes all non-revenue producing operations of the passenger motor vehicle.

(r) "For-hire license" means an annual, renewable license issued pursuant to this Article which authorizes the provision of for-hire transportation

services and which may expire, be suspended or
revoked <<

[[~~(f)~~]]>>(s)<< [[~~Reserved~~]] [[~~Prototype Paratransit Vehicle Project~~
~~means such project implemented pursuant to a Joint~~
~~Participation Agreement between the Florida~~
~~Department of Transportation and Dade County to~~
~~provide cost effective and responsive taxicab and~~
~~nonemergency transportation service for elderly and~~
~~handicapped persons.]]~~ >>"Passenger service
company" means a Florida corporation or
partnership created for the purpose of providing
passenger services for for-hire taxi operations and
providing various services to for-hire license
holder(s) and chauffeurs with whom the passenger
service company has entered into passenger service
agreements. <<

>>(t) "Passenger service company registration" means an
annual, renewable registration issued pursuant to
this article which grants authority to provide
passenger services for for-hire operations and which
may expire, be suspended or revoked. <<

[[~~(g)~~]]>>(u)<<"For-hire passenger motor vehicle" or "for-hire
motor vehicle" means any chauffeur-driven taxicab
or limousine as defined herein which engages in the
casual and nonrecurring transportation of persons
and their accompanying property for compensation
over the public streets, but excluding ambulances
and nonemergency medical transportation of
decedents and persons participating in funeral
services, vehicles used solely to provide free
transportation services for customers of the business
establishment owning said vehicles, vehicles used
solely to provide special transportation services for
the Metro-Dade Transit Agency pursuant to a
contract with Miami-Dade County, and rental or
leased vehicles which rental or lease does not
include a chauffeur; provided, however, that no
vehicles excluded under this definition shall be used
on a for-hire basis except as authorized by this
article. Vehicles used to provide Metro-Dade
Transit Agency special transportation services
pursuant to a contract with Miami-Dade County are

subject to the regulations contained in Article IV of this chapter.

- >>(v) "Good cause" shall mean delay caused by circumstances beyond the control of the applicant.
- (w) "In service" means a for-hire vehicle which is displaying a valid, current operating permit or decal, as applicable, issued by the CSD.
- (x) "Passenger service agreement" means the CSD approved form agreement entered into by the for-hire license holder and the passenger service company prior to any for-hire operation.
- (y) "MDTA" means the Miami-Dade Transit Agency.
- (z) "Medallion" means a plate or decal issued by CSD as the physical evidence of a taxicab license which is affixed to the outside or inside of such taxicab.
- (aa) "Medallion system" means the system which deems a taxicab for-hire license to be intangible property.
- (bb) "Off Duty" means the periodic, temporary cessation of daily for-hire service indicated by a sign placed and visible on the vehicle's front windshield and which shall not be construed to alter the "in service" status of the for-hire vehicle. No for-hire vehicle in operation or awaiting passengers shall display an off-duty sign.
- [[~~(p)~~]]>>(cc)<<"Operate" means [[~~providing~~]]>>to provide<< transportation services for compensation [[~~utilizing a for-hire motor vehicle~~]]>>regulated by this article utilizing a for-hire passenger motor vehicle.<<
- >>(dd) "Operating permit" means the valid and current vehicle decal issued to the license holder or passenger service company, when applicable, which authorizes a specific, registered vehicle to operate for-hire and which may expire, be suspended or revoked.<<

[[~~(q)~~]]>>(ee)<< "Operator" means any person who has been issued a for-hire license >>and her, his or its agent, where applicable, which shall be a passenger service company<<, ~~[[in accordance with the provisions of this article]]~~.

(ff) "Out of Service" means the removal of a for-hire vehicle from operation by removal of a valid, current operating permit and filing with the CSD a CSD form removing the vehicle from service.

[[~~(t)~~]]>>(gg)<<"Paratransit services" means any transportation service provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by the individual user at a certain time that is agreed upon by the user and the service provider.

>>(hh) "Passenger" means a person utilizing a for-hire vehicle for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched for-hire vehicle, and does not include the chauffeur.

[[~~(e)~~]]>>(ii)<<"Person" means any natural person(s), firm, partnership, association, corporation, or other business entity.

>>(jj) "Personnel authorized by the CSD" means uniformed enforcement personnel and any other individual authorized by the director

(kk) "Place of business" means the specific Miami-Dade County address where management of for-hire operations is provided and which is zoned for the appropriate business usage and matches the address on a current valid occupational license.

(ll) "Rate card" means a card, issued by the CSD, which displays for-hire rates and such other data as the CSD may prescribe

(mm) "Solicit" means an appeal by bell, horn, whistle, words or gestures by a chauffeur or his or her agent directed at individuals or groups <<

- >>(nn)<< "Street" means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place >>accessible to the public, <<located in ~~[[the]]~~ >>Miami-Dade County and ~~[[established for the use of vehicles]]~~ >> used by motor vehicles. <<
- >>(oo) "Street hail" means an immediate arrangement made on a street with a taxi chauffeur by a person seeking immediate transportation by taxi.
- (pp) "Stretch limousine" means a sedan cut and stretched a minimum of forty-two (42) inches beyond its standard basis and which provides transportation service only on a pre-arranged basis. <<
- ~~[[the]]~~ >>(qq) << ~~[[Taxicab means any for-hire motor vehicle which is a sedan or station wagon, equipped with a taximeter, and which is designed to accommodate no more than eight (8) passengers, exclusive of driver. The foregoing notwithstanding, the definition of a taxicab also shall include any vehicle operating under a Dade County for-hire license which is equipped with a taximeter, and which is designed to accommodate no more than eight (8) passengers, exclusive of the driver and which is equipped to transport passengers confined to a wheelchair, as long as such vehicle is provided by Dade County to an operator approved to participate in Dade County's Prototype Paratransit Vehicle Project by resolution of the Board of County Commissioners.]]~~ >> "Taxicab" means an eight (8) passenger or less, exclusive of chauffeur, for-hire passenger motor vehicle, which is not a limousine, with at least three (3) doors, designed, constructed, reconstructed and equipped as required in this chapter to provide either street hail or prearranged taxicab service, which is equipped with a taximeter, unless authorized to exclusively operate at a flat rate, and where the route and destination are controlled by the passenger. <<
- >>(rr) "Taxicab stand" means the county-approved location on a public right-of-way for awaiting

employment which is specifically marked with a taxicab stand sign. "Taxicab stand" also means a location for awaiting employment authorized and provided by the owner of private property <<

[[~~(m)~~]]>>(ss)<< "Taximeter" means any approved mechanical or electronic internally mounted device ~~[[which automatically records and indicates a charge or fare measured by distance traveled, waiting time, or other items of charge]]~~>> approved by the CSD and meeting all certifications, tolerances and other technical requirements for taximeters specified in the most recent edition of the National Bureau of Standards Handbook H 44 published by the U.S. Department of Commerce which automatically records and indicates a charge or fare measured by distance traveled, waiting time, or other traditionally compensable activities or times of taxicab service. <<

[[~~(o)~~]]>>(tt)<< ~~[[Trade name means the name under which any person(s), firm, partnership, association, or corporation operates its business.]]~~>> "Trade name" or "doing business as" or "(d/b/a) name" means the county-approved name under which the for-hire license holder and the passenger service company may provide for-hire passenger motor vehicle transportation services, and which name shall not duplicate the name of any other license holder or passenger service company <<

>>(uu) "Two-way dispatch system" means a communication system utilizing a two-way radio or cellular telephone by which a dispatcher may communicate with the chauffeurs of all taxicabs during all hours of vehicle operation and in which each for-hire vehicle is equipped with a two-way radio or cellular telephone. <<

[[~~(n)~~]]>>(vv)<< "Waiting employment" >>or "awaiting employment"<<means that the vehicle and chauffeur are available and are in proper condition, location, attendance so as to be hired for service.

[[~~(w)~~]]>>(ww)<<"Paratransit passenger" means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.

Sec. 31-82. For-hire licenses.

- (a) ~~[[From and after the effective date of this article,]]~~
>>Prohibition against unauthorized operations <<It shall be unlawful for any person to use, drive or operate >>or to advertise in any newspaper, airwave transmission, telephone directory or other medium accessible to the public that it offers for-hire services<< or to cause or permit any other person to use, drive or operate any for-hire motor vehicle upon the streets of Miami-Dade County without first obtaining a Miami-Dade County for-hire license and maintaining it current and valid pursuant to the provisions of this article.
- (b) >> Out-of County origin exception <<Nothing in this article shall be construed to prohibit:
- (1) Discharge within Miami-Dade County of any passenger lawfully picked up in another County and lawfully transported into Miami-Dade County.
 - (2) Pick up of a paratransit passenger by a provider of paratransit services that is duly licensed and legally authorized to provide paratransit services in a county adjacent to Miami-Dade County provided that such county has determined that the passenger is eligible for paratransit services and such passenger is picked-up within the ADA-defined area of Miami-Dade County. A paratransit service provider shall not be required to obtain a Miami-Dade County Certificate of public convenience and necessity for such purpose, nor shall a chauffeur of such paratransit vehicles be required to obtain a Miami-Dade County for-hire chauffeur's registration.

- (c) >>Application procedures <<Every >>initial<< application for a for-hire license>> renewal application, amendment to a for-hire license or transfer of a for-hire license. << shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with an investigative and processing fee which shall be nonrefundable. If the applicant is a corporation, the form shall be signed and sworn to by the president or vice-president, and the corporate secretary shall attest such signature and affix the corporate seal. If the applicant is a partnership, the form shall be signed and sworn to by a general partner. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:
- (1) Sufficient information to identify the applicant, including but not limited to full legal name, >>and trade name<<date of birth, telephone number, and residence address, of the applicant. If the applicant is a corporation, the foregoing information shall be provided for each officer, resident agent, director, and stockholder. If the applicant is a partnership, the foregoing information shall be provided for each partner. As part of such application, the applicant shall also disclose the foregoing information for any person who has any interest (legal, equitable, beneficial or otherwise) in the license. Post office box addresses will not be accepted hereunder.
- (a) Residency and domicile requirements for limousine for-hire licensees. All corporate or partnership applicants shall be organized or qualified to do business under the laws of Florida and shall have a place of business in Miami-Dade County, Florida. By January 31, 2001, all applicants shall reside and be domiciled in Miami-Dade, Broward, Palm Beach or Monroe Counties, Florida. Until January 31, 2001, those holders of valid Miami-Dade County for-hire licenses who, as of the effective date of this ordinance are not domiciled in Miami-Dade, Broward, Palm Beach or Monroe Counties, shall include the following information in their applications: the name, address in Miami-Dade, Broward, Palm Beach or

Monroe County and telephone number of the applicant's agent who shall be a resident of and domiciled in Miami-Dade, Broward, Palm Beach or Monroe County and who shall be the agent of the license holder for any notice required by this Chapter. Post office box addresses will not be accepted

- (b) Residency and domicile requirements for taxicab for-hire licensees. All applicants who are applying for a taxicab for-hire license after the effective date of this ordinance or have been issued a taxicab for-hire license after the effective date of this ordinance shall be a resident of and domiciled in Miami-Dade County. By January 31, 2001, all applicants who held a taxicab for-hire license on the effective date of this ordinance and are natural persons shall be a resident of and domiciled in Miami-Dade, Broward, Palm Beach or Monroe Counties, Florida. All corporate or partnership applicants who held a taxicab for-hire license on the effective date of this ordinance shall satisfy the following residency and domicile requirement: by January 31, 2001, more than fifty percent of individual corporate shareholders or individual partners shall be a resident of and domiciled in Miami-Dade, Broward, Palm Beach or Monroe Counties, Florida. Until January 31, 2001, those holders of valid Miami-Dade County for-hire licenses who, as of the effective date of this ordinance are not domiciled in Miami-Dade, Broward, Palm Beach or Monroe Counties, shall include the following information in their applications: the name, address in Miami-Dade, Broward, Palm Beach or Monroe County and telephone number of the applicant's agent who shall be a resident of and domiciled in Miami-Dade, Broward, Palm Beach or Monroe County and who shall be the agent of the license holder for any notice required by this Chapter. Post

office box addresses will not be accepted.
All corporate or partnership applicants shall
be organized or qualified to do business
under the laws of Florida and shall have a
place of business in Miami-Dade County,
Florida. <<

- (2) The class or classes of transportation service which the applicant desires to furnish.
- (3) A brief description of >>the kind(s) and type(s)
of<<vehicles>>, seating capacity, seating
arrangements, gross weight, mileage and number of
vehicles<< proposed to be used
- (4) The names and addresses of at least three (3) residents of the County as references.
- (5) The trade name under which the applicant intends to operate and a description ~~[[of the proposed vehicle colors and markings.]]~~ >>, where applicable, of a distinctive uniform and decorative color scheme including placement of numbers and other markings. <<
- ~~[[(6) Except for transfer applicants, all applications for additional licenses will contain a factual statement indicating the public need for the proposed services, the anticipated market to be served, any deficiencies in existing industry services and such other pertinent information as the applicant may desire to present.]]~~
- ~~[[(7)]]~~ >> (6) << A record and proof of all present and prior transportation business activities of the applicant during the past five (5) years.
- ~~[[(8)]]~~ >> (7) << A record of all crimes ~~[[(excluding traffic) of]]~~
>> to << which the applicant has ~~[[been convicted]]~~
>> pled nolo contendere, pled guilty, or of which the
applicant has been found guilty or been convicted,
whether or not adjudication has been withheld <<
within >> the << five (5) years preceding the date of the application. The applicant shall have his fingerprints and photograph taken by the Miami-Dade Police Department. In the case of a corporate

or partnership applicant, this information shall be obtained from all corporate officers and directors or partners, as the case may be. In the case of corporations, the above information shall be obtained from stockholders who own, hold or control ~~[[twenty-five (25)]]~~ >>five (5)<< percent or more of >>the corporation's<< issued and outstanding stock.

~~[[(+9)]]~~ >>(8)<< Two (2) credit references including at least one bank where applicant has an active account. In lieu of the second credit reference, the applicant may submit alternative written evidence of financial trustworthiness.

~~[[(+10)]]~~ >>(9)<< For >>limousine<< transfer applications only, a statement disclosing the terms and conditions of the proposed transfer, including amount of compensation which has been paid or is payable to the transferor and any other consideration given or to be given to the transferor in connection with the transfer of the for-hire license; in lieu of the requirements of this paragraph, the applicant for transfer of a for-hire license may submit a notarized copy of the purchase contract which contains all information requested by this paragraph.

>>(10) A limousine management plan, where applicable.<<

>>(11) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.<<

>>(12) Any additional information as the Director shall require to enforce the provisions of this article.

>>(13) The name of the passenger service company who shall act as the for-hire license holder's agent, where applicable.<<

(d) ~~[[The CSD shall investigate each application and report its findings and recommendations to the County Manager. The CSD shall base its recommendations on the criteria contained in this section, the thoroughness of the application and the competence of the applicant. The~~

~~County Manager may require any further investigation or additional information he may deem necessary.]]~~

>>Investigation of for-hire license applicants. The director shall investigate each application and accompanying required documents and reject any application that is not properly filed or that is incomplete or untrue in whole or in part. The director may approve or deny the issuance of for-hire licenses as specified in this chapter on such terms and conditions as the public interest may require. The director's decision to reject or to deny may be appealed in accordance with this chapter.

An applicant shall not be eligible for a for-hire license if he/she/it:

- (1) has misrepresented or concealed a material fact on his, her or its application,
- (2) is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States,
- (3) is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others,
- (4) has pled nolo contendere, pled guilty, been found guilty or been convicted of a felony within the last five (5) years, regardless of whether adjudication has been withheld, unless his or her civil or residency rights have been restored,
- (5) has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;
- (6) has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony, regardless of whether adjudication has been withheld, involving moral turpitude relating to sex, the use of a deadly weapon, homicide, trafficking in narcotics, violence against a law enforcement officer under §775.0823, Florida Statutes, or is a habitual violent felony offender under §775.084, Florida Statutes;

- (7) has violated any condition, limitation, or restriction of a for-hire license imposed by the director or commission where the director deems the violation to be grounds for denial;
- (8) was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) has as a stockholder, officer, director, or partner of a corporation or partnership committed an act or omission which would be cause for denying a for-hire license to the officer, director, stockholder, or partner as an individual;
- (10) failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;
- (11) has failed to satisfy the residency and domicile requirements of this chapter;
- (12) does not have a place of business located in Miami-Dade County, Florida;
- (13) has any unsatisfied civil penalty or judgment pertaining to for-hire operation;
- (14) has had a for-hire license issued by Miami-Dade County revoked;
- (15) has within the last five (5) years plead nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of whether adjudication is withheld) involving moral turpitude relating to sex; or
- (16) has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten (10) year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

Where the provisions of this article limit the total number of for-hire licenses to be issued for a specific category of for-hire transportation, the director shall not issue licenses in excess of such limit. Any for-hire licenses requiring approval by the commission shall be submitted to the commission with the written recommendation of the County Manager. <<

- (e) ~~[[The Commission shall hold public hearing(s) as appropriate, to consider and take action upon for hire license transfer applications other than approval of Pledges pursuant to Section 31-82(p)(3) of the Code. The CSD shall provide at least ten (10) days' advance notice of such public hearings to all applicants and all for hire license holders. The Commission, after such public hearing, by resolution may issue or refuse to issue a for hire license as applied for, or may issue a for hire license with such modifications or upon such terms and conditions as in its judgment the public convenience and necessity may require. In reaching its determination, the Commission shall consider the application, all reports and investigations and the adequacy of the management plan of the applicant. The management plan shall include but not be limited to:~~
- ~~(1) Maintenance facilities and maintenance program which the applicant will utilize for the upkeep of vehicles operating under the for hire license.~~
 - ~~(2) A system for handling complaints, accidents and property left by a passenger in the for hire motor vehicle.~~
 - ~~(3) The central place of business, with a properly listed telephone for receiving all calls relating to for hire vehicle service and where the operator will maintain the business records and daily manifests as set forth in Section 31-85 of this article.~~
 - ~~(4) A driver training program which the applicant will utilize to ensure quality service.~~
 - ~~(5) Proposal for submission of appropriate insurance coverage as required in Section 31-88 of this article.]]~~

>>(e) Conditions for obtaining a for-hire license. No for-hire license shall be issued unless the applicant:

- (1) has paid an initial or annual license fee;
- (2) has provided an adequate management plan, where applicable, and has submitted a sworn statement that the applicant has executed a passenger service agreement;
- (3) has submitted proof of insurance required by this article;
- (4) has ensured that the for-hire passenger motor vehicle to be operated under the applicant's for-hire license has passed all required vehicle inspections. Failure of the applicant to meet all of the foregoing requirements within forty-five (45) days after notification of conditional approval shall cause the license not to be issued. If the applicant believes he, she or it cannot meet the foregoing requirements within the forty-five (45) day period, the applicant may, prior to expiration of such forty-five (45) day period, request in writing a reasonable extension from the director. If the request states good cause for an extension, the director may grant such a reasonable extension as the director finds is in the public interest. <<

>>(f) Vehicles authorized to operate under a for-hire license. The number of vehicles authorized to operate under a for-hire license are as follows: taxi and limousine for-hire license holders shall operate only one vehicle per for-hire license. <<

>>(g) Issuance and replacement of for-hire license.

- (1) Issuance. Each for-hire license shall be on a form developed by the CSD and shall be signed by the director. Each for-hire license shall, at a minimum, contain the name and the business address of the license holder, date of issuance, its expiration date and such additional terms, conditions, provisions and limitations as were imposed during the approval process.

- (2) Replacement The director may issue a replacement license to any license holder upon application, payment of a non-refundable replacement fee and presentation of proof or a sworn affidavit that the license has been lost or stolen.
- (h) Expiration of and renewal process for for-hire license For-hire licenses may be issued for such periods as specified in the Administrative Order establishing the fees. The CSD may establish staggered license terms to ease administration of the renewal process. Each renewal shall be submitted no less than thirty (30) days prior to expiration of the current initial or annual for-hire license together with payment of a license fee. As part of the renewal process, the original application shall be updated and verified by the applicant on forms supplied by the CSD. The director shall deny any renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, or results in a determination by the director that the applicant has failed to satisfy the requirements of subsections 31-82(c)(d) or (e). Renewal applications shall additionally include disclosure of all interests in the for-hire license (legal, beneficial, equitable or otherwise) and a sworn statement as to the number of months which each permitted for-hire vehicle operated during the preceding license year. Appeal of the denial of a renewal application shall be in accordance with this chapter.
- (i) Grace period License holders shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same provided, however, that all operations shall cease on the date of license expiration and the license holder shall also pay a late fee over and above the annual license fee. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.
- (j) Rules of operation For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder and her, his or its agents shall comply with the following regulations:

- (1) Comply with applicable federal law, Florida law, and ordinances, rules and regulations of the County applicable to the operation of for-hire vehicles;
- (2) Immediately report any change of address;
- (3) Maintain all records pertaining to the for-hire operations of a vehicle at the place of business of the entity responsible for passenger services for one year and make same available for inspection during the regular business hours of such entity. When requested by the CSD, the entity shall provide copies of the records;
- (4) Where required by this article, enter into a passenger service agreement with a passenger service company to provide passenger services or directly perform passenger services as provided in Section 31-100;
- (5) Obtain the operating permit for each for-hire vehicle operated pursuant to authority of the for-hire license and pay all application and vehicle inspection fees;
- (6) Not permit or authorize any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit being displayed therein;
- (7) Not allow any person to operate a for-hire vehicle who is not a Miami-Dade County registered chauffeur and who has not entered into a chauffeur's agreement in accordance with this article;
- (8) Not allow or permit any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage as required in this chapter;
- (9) Register and have inspected by CSD all vehicles to be placed into service and all vehicles taken out of service;
- (10) Not permit or authorize anyone to drive any for-hire vehicle unless the brakes, steering mechanism, tires, horn, windshield wipers, side and rearview mirrors

and all lighting devices are in good working order and the vehicle meets all other applicable vehicle standards as set forth in this chapter;

- (11) Not allow or permit any person to operate a for-hire vehicle while his or her ability or alertness is so impaired or so likely to become impaired through fatigue, illness, or any other cause, as to make it unsafe for the chauffeur to begin or continue to drive the for-hire vehicle;
- (12) Not refuse or neglect to transport to or from any place in the county, any orderly person requesting service. Every deaf or hard of hearing person, totally or partially blind person, or physically disabled person shall have the right to be accompanied by a service animal specially trained for the purpose without being required to pay an extra charge for the service animal;
- (13) Each for-hire license holder shall enter into a written chauffeur's agreement with each chauffeur it allows to operate any for-hire vehicle. The written chauffeur's agreement:
 - (a) Shall provide for an express duration of the agreement;
 - (b) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
 - (c) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective license holder's number and chauffeur's registration numbers;
 - (d) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the for-hire license holder to receive any compensation from the chauffeur which is

not specified in the existing chauffeur's agreement.

- (e) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle.
 - (f) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.
 - (g) Shall be signed by both the chauffeur and the license holder; and
 - (h) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.
- (k) Responsibility for violations of chapter. The holder of a for-hire license shall be held responsible for any applicable violation of this article arising from the operation of the for-hire vehicle authorized under the holder's for-hire license and shall be subject to the penalties provided in this chapter for any such violation. In addition, his, her or its license shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a passenger service company or for-hire chauffeur for the same or related violations shall not relieve the for-hire license holder of responsibility under this article <<

>>(l)<<[[~~(f)~~]] The Commission shall hold separate public hearings as appropriate after adoption of this subsection but not more than one each per calendar year to determine the need for additional [[~~for-hire~~]] limousine licenses. Until such a public hearing is held and the Commission determines whether or not additional for-hire >>limousine<< licenses will be authorized, the total number of >>limousine<< licenses shall not be increased and shall remain fixed. No application for additional for-hire >>limousine<< licenses shall be accepted by the CSD until after the Commission has made a determination that there is a need for an increase in the number of for-hire [[~~taxi cab or~~]] limousine licenses authorized.

[[~~(g)~~ The Commission, by resolution, may authorize or refuse to authorize additional for hire licenses for the class of transportation service at issue or may authorize said licenses with such modifications or upon such terms and conditions as in its judgment the public convenience and necessity may require. In reaching its decision, the Commission shall consider the recommendation of the County Manager and all evidence produced at the public hearing and shall set the maximum number of for hire licenses for the class of transportation service at issue until the next such hearing.

~~The Commission shall at no time authorize more than one (1) for hire vehicle per each one thousand (1,000) inhabitants of Dade County, according to the latest United States census or succeeding annual update as certified by the appropriate agency of the State. Each resolution shall specify the maximum number and type of for hire licenses authorized thereby. The CSD shall issue the for hire licenses, in accordance with the provisions of this article, provided that the applicant has complied with the requirements of this article.~~

~~Notwithstanding any other provision of this chapter, the County Manager may prescribe rules and regulations for the approval and issuance of temporary for hire limousine licenses for the Summit of the Americas and Superbowl XXIX. Such licenses shall only be effective from December 5, 1994 through December 13, 1994 and from January 20, 1995 through February 4, 1995.]]~~

[[~~(h)~~ All additional for hire licenses to operate a taxicab which are authorized under subsection (g) of this section shall be issued by the CSD Director in accordance with the following procedures:

- ~~(1) Four (4) separate random selection or lottery processes shall be held no later than one hundred twenty (120) days after the Commission authorizes issuance of additional for hire licenses to operate a taxicab. Ten (10) percent of the total number of additional for hire licenses to operate a taxicab which are authorized shall be set aside for one lottery limited to those chauffeurs who have held a valid Dade County chauffeur's registration as~~

~~defined in Section 31-81(j) and issued under
Section 31-83 of this article for the six (6) years
immediately prior to application, who have
continuously driven a taxicab in Dade County for
the twenty (20) years immediately prior to
application, who shall reside and be domiciled in
Dade County, Florida, who are not presently
holders of a Dade County for hire license, and who
do not presently have any interest in a corporation,
partnership, or any other business entity which
holds a Dade County for hire license. If ten (10)
percent of the additional licenses authorized does
not mathematically compute to a whole number,
then the number of licenses set aside for such
lottery shall be the next whole number above the ten
(10) percent. Ten (10) percent of the total number of
additional for hire licenses to operate a taxicab
which are authorized shall be set aside for one (1)
lottery limited to those chauffeurs who are
classified as veterans of the Armed Forces of the
United States of America and present a certificate of
Honorable Discharge From Active Duty Form DD-
214, who have held a valid Dade County
chauffeurs' registration as defined in Section 31-
81(j) and issued under Section 31-83 of this article
for the three (3) years immediately prior to
application, who have continuously driven a taxicab
in Dade County for the three (3) years immediately
prior to application, who shall reside and be
domiciled in Dade County, Florida, who are not
presently holders of a Dade County for hire license,
and who do not presently have any interest in a
corporation, partnership, or any other business
entity which holds a Dade County for hire license.
If ten (10) percent of the additional licenses
authorized does not mathematically compute to a
whole number, then the number of licenses set aside
for such lottery shall be the next whole number
above the ten (10) percent. Five (5) percent of the
total number of additional for hire licenses to
operate a taxicab which are authorized shall be set
aside for one (1) lottery limited to those chauffeurs
who are single heads of households with dependent
children, who have held a valid Dade County
chauffeurs' registration as defined in Section 31-~~

~~81(j) and issued under Section 31-83 of this article for the three (3) years immediately prior to application; who have continuously driven a taxicab in Dade County for the three (3) years immediately prior to application; who shall reside and be domiciled in Dade County, Florida; who are not presently holders of a Dade County for hire license; and who do not presently have any interest in a corporation, partnership, or any other business entity which holds a Dade County for hire license. If five (5) percent of the additional licenses authorized does not mathematically compute to a whole number, then the number of licenses set aside for such lottery shall be the next whole number above the five (5) percent. A separate lottery for the remainder of the additional for hire licenses to operate a taxicab shall be limited to those chauffeurs who, for the three (3) years immediately prior to application, have held a valid Dade County chauffeur registration as defined in Section 31-81(j) and issued under Section 31-83 of this article, and who have continuously driven a taxicab in Dade County during such three-year period; who shall reside and be domiciled in Dade County, Florida; who are not presently holders of a Dade County for hire license; and who do not presently hold any interest in a corporation, partnership, or other entity which holds a Dade County for hire license. The lottery described in the preceding sentence shall be conducted first. Applicants eligible to participate in the lottery restricted to chauffeurs who have continuously driven a taxicab in Dade County for twenty (20) years immediately prior to application; applicants eligible to participate in the lottery restricted to chauffeurs who are veterans as defined in this subsection; and applicants eligible to participate in the lottery restricted to single heads of households with the dependent children as provided in this subsection may also participate in the separate lottery described in the preceding two (2) sentences, provided, however, that in no event shall any applicant receive more than one (1) for hire license.~~

- (2) ~~The random selection or lottery processes shall be conducted by an individual who shall not have responsibility for the enforcement of this article.~~
- (3) ~~Applicants for additional for hire licenses to operate a taxicab shall pay a nonrefundable fee for the right to enter each lottery in which they seek to participate.~~
- (4) ~~All fees and applications must be received by the CSD no later than fifty (50) calendar days after the adoption of a resolution authorizing the issuance of additional licenses. The foregoing notwithstanding, all fees and applications of persons who meet the present requirements of Section 31-82(e), (h), and (i), as amended by Ordinance No. 89-117, to participate in the lottery processes for the remaining two hundred twenty three (223) for hire taxi licenses to be conducted in accordance with the final judgment entered in the case styled *Sohail Anwar et al. v. Metropolitan Dade County, etc., et al.* in the Circuit Court for the 11th Judicial Circuit, in and for Dade County, Florida, Case No. 88-37526, dated November 22, 1988, must be received by the CSD no later than 4:00 p.m., December 4, 1989. Those persons who previously applied and participated in the first or second lottery drawings conducted in accordance with such final judgment who have otherwise remained eligible to participate in the third lottery process to be conducted under such judgment shall have until 4:00 p.m., Monday, November 19, 1990 to apply and pay an application processing fee to participate in the handicapped only lottery specified in subsection (6) hereof.~~
- (5) ~~Notwithstanding any other provision of this article the lottery process to be conducted under paragraph 2b of the final judgment entered in the case styled *Sohail Anwar et al. v. Metropolitan Dade County, etc., et al.* in the Circuit Court for the 11th Judicial Circuit, in and for Dade County, Florida, Case No. 88-37526 dated November 22, 1988, shall be conducted in four (4) stages. Twenty three (23) of the additional for hire licenses to be issued thereunder shall be set aside for one lottery limited~~

~~to chauffeurs who are veterans who meet the requirements of the veterans only lottery specified in subsection (1) of this subsection (h). Six (6) additional for hire licenses to be issued thereunder shall be set aside for one (1) lottery limited to chauffeurs who otherwise meet the requirements of the twenty year driver lottery specified in subsection (1) of the subsection (h). Twelve (12) additional for hire licenses to be issued thereunder shall be set aside for one (1) lottery limited to chauffeurs who otherwise meet the requirements of the single heads of household lottery specified in subsection (1) of this subsection (h). A fourth lottery shall be held for the remainder of the additional for hire licenses authorized to be issued under paragraph 2b of said final judgment.~~

- (6) ~~Notwithstanding any other provision of this article the lottery process to be conducted under paragraph 2c of the final judgment entered in the case styled *Sohail Amwar et al. v. Metropolitan Dade County, etc., et al.*, in the Circuit Court for the 11th Judicial Circuit, in and for Dade County, Florida, Case No. 88-37526 dated November 22, 1988, shall be conducted in five (5) stages. Thirty one (31) of the additional for hire licenses to be issued thereunder shall be set aside for one (1) lottery limited to chauffeurs who are veterans who otherwise meet the requirements of the veterans only lottery specified in subsection (1) of this subsection (h). Twenty (20) of the additional for hire licenses to be issued hereunder shall be set aside for one (1) lottery limited to chauffeurs whose current valid State of Florida chauffeur's license as of the date of their application is restricted to the use of special equipment on any vehicle they drive because they are blind in one eye or deaf or hard of hearing, or because all or any part of a hand, arm, foot or leg is missing or useless. Ten (10) of the additional for hire licenses to be issued hereunder shall be set aside for one (1) lottery limited to chauffeurs who are single heads of households with dependent children who otherwise meet the requirements of the single heads of household with one or more dependent children only lottery specified in~~

~~subsection (1) of this subsection (h). Ten (10) of the additional for hire licenses to be issued hereunder shall be set aside for one (1) lottery limited to chauffeurs who otherwise meet the requirements of drivers with twenty (20) years' experience only lottery specified in subsection (1) of this subsection (h). A fifth lottery shall be held for the remainder of the additional for hire licenses authorized to be issued under paragraph 2c of said final judgment.~~

- (i) ~~Every application for additional for hire licenses to operate a taxicab to be entered in the random selection or lottery processes shall be in accordance with the provisions of Section 31-82(c) and shall contain the following additional information:~~
- (1) ~~A sworn statement that the applicant is currently the holder of a Dade County chauffeur registration permitting him/her to operate such a vehicle. Such statement shall include his/her chauffeur registration number and shall certify that the applicant, during the three (3) (or six (6), as appropriate) years prior to application, has not had his/her Dade County chauffeur registration suspended, and has not been found guilty or served a suspension order for violations of this article as set forth in Sections 31-83(h)(22) and (23) except as specified in the last sentence of said subsection (23) as amended by this ordinance, or for violations of provisions regarding the safe operation of a for hire vehicle. Such statement shall include sufficient information to demonstrate and certify that the applicant is a veteran as defined in subsection (h) and the number of years which the applicant has been continuously driving a taxicab in Dade County.~~
 - (2) ~~A management plan as stipulated in Section 31-82(c).~~
 - (3) ~~A permanent, local address where the applicant has established domicile. P.O. Boxes will not be accepted.~~

- (4) ~~If the applicant is applying to participate in the head of household lottery, a sworn statement that the applicant is a single head of a household with dependent children.~~

~~The CSD shall establish procedures for notification of qualification and for appeals resulting from disqualification. CSD determinations reached upon the conclusion of an appeal shall be final.]]~~

- [[~~(f) When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process therefor will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans as defined in subsection (h) is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process therefor will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. The remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have held a chauffeur registration for three (3) years.~~

~~All additional for-hire taxicab licenses issued through the random selection process shall have a three-year probationary period during which the for-hire taxicab license so obtained may not be transferred; provided, however, any additional for-hire taxicab license issued in 1988, 1989, and 1990 may be transferred upon application of a person approved by a court of competent jurisdiction, upon the death or incompetence of the holder of such additional for-hire license during such three-year probationary period. As a prerequisite to the filing of an application to transfer the taxicab for-hire license of a license holder who is claimed to be incompetent, the license holder's incompetence must be established by an adjudication of incompetency, pursuant to Chapter 744.3201, et seq., Florida Statutes, as such statute may be amended from time to time. Any additional for-hire taxicab license obtained pursuant to this subsection may be revoked if proven, through an administrative hearing as set forth in~~

~~Section 31-91 of the Code, that the license holder has not adhered to the requirements of this subsection or if it is found that said license holder or anyone authorized to operate a motor vehicle under such license has committed the following violations of this article:~~

- ~~(1) Refused or neglected to transport to any place within Dade County any orderly person as set forth in Section 31-83(h)(4) of this article.~~
- ~~(2) Overcharged a passenger or taken same on a route longer than necessary resulting in a higher fare being paid by said passenger, or collecting fares or compensation for transportation services other than the established rates as stipulated in Section 31-83(h)(12) and (19).~~
- ~~(3) Behaved discourteously with or solicited gratuities from passengers or used abusive language or behavior towards a passenger or personnel charged with enforcement of this article.~~
- ~~(4) Refused to stop his/her vehicle, except when transporting passengers for hire, or refused to permit any authorized personnel or any police officer to conduct the inspection of the vehicle provided for in Section 31-89(d).~~
- ~~(5) Failed to maintain, on a daily basis for one (1) year, manifests and trip sheets to demonstrate adherence with the requirements of this section.~~
- ~~(6) Permitted or authorized the operation of a motor vehicle under his/her for hire license in violation of the provisions contained in Section 31-85(h) of this article.~~
- ~~(7) Permitted or authorized the operation of a motor vehicle under his/her for hire license without a properly functioning and sealed taximeter where required.~~

~~During such three year probationary period, the additional for hire license shall automatically revert to the County upon any attempt to transfer such license or upon the death or incompetence of the license holder, unless an application~~

~~for transfer is filed in accordance with the requirements of this subsection. After such three year probation period, such additional for hire licenses may be transferred in accordance with the other provisions of this section.]]~~

[[~~(k)~~ Applicants for additional for hire licenses, if selected, shall comply with all requirements and fees contained in this section prior to issuance and may not apply for additional licenses during the three year probationary period. After selection, and prior to issuance of additional for hire licenses by the CSD Executive Director, notice will be provided at least twenty (20) days in advance to the applicants and all existing for hire license holders advising same of impending issuance. Any interested person who can prove that there are any material facts falsely stated on the application and who wishes to intervene in the proceeding shall file with the CSD, and serve upon the specific applicant, a formal written protest stating the grounds for objection within ten (10) days after service of said notice. A person who has not filed such protest may not appear as a party in subsequent proceedings. If no written protest is properly filed and served, issuance of the licenses will proceed for those individuals whose application has not been protested. If one or more protests are filed and served as herein provided, the CSD Executive Director shall appoint a hearing officer and fix a time for an administrative hearing no later than twenty (20) days after the last date for filing a protest. A notice of hearing shall be served upon the applicant and persons filing written protests. Within a reasonable time after the conclusion of the hearing, the hearing officer shall submit to the Director a statement of findings, conclusion and recommendations. The Director shall then notify all parties of the decision. Said decision may be appealed as set forth in Section 31-91(d) and (f) of this article.

~~(l) No for hire license shall be issued unless the applicant has:~~

- ~~(1) Paid an initial annual license fee for the right to operate a for hire motor vehicle;~~
- ~~(2) Presented proof of insurance as required by Section 31-88 of this Code; and~~
- ~~(3) Passed all required vehicle and meter inspections.~~

~~Where an additional for-hire license to operate a taxicab is being issued pursuant to the veterans lottery process under this section, such license shall not be issued until the applicant selected in such process, in addition to the foregoing, has:~~

- ~~(4) Presented a Certificate of Honorable Discharge required by subsection (1) of subsection (h) of this section.~~

~~Failure on the part of the applicant to complete this process within ninety (90) days after notification of approval shall cause the for-hire license not to be issued and the County's approval to be automatically revoked.]]~~

- ~~[[(m) Each for-hire license shall be on a form developed by the CSD and shall be signed by the Director or his designee. Each for-hire license shall contain, at a minimum, the name and address of the applicant, a statement of the class of transportation service authorized, a description of the vehicle to which it applies and such additional terms, conditions, provisions and limitations as were authorized in the approval process.]]~~

- >> (m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of \$15,000.00 (fifteen thousand dollars), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty (60) day extension may be granted by the CSD Director provided good cause be shown.

- (n) Existing taxicab for-hire license holders on the effective date of this ordinance shall receive one medallion for each for-hire license upon payment of a one time administrative fee established by administrative order.

- (o) Beginning January 1, 1999, twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until June 1, 2003, utilizing the criteria and procedure provided in Section 31-82. Three (3) of the twenty-five (25) for-hire licenses to be issued annually shall be issued through a

separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, and two (2) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty (20) or more years and satisfy all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q).

(p) Rules governing the distribution of new for-hire licenses.

- (1) Population ratio. The following provisions shall govern the issuance of for-hire licenses after June 1, 2004. The number of for-hire vehicles shall not be greater than one (1) vehicle per each one thousand (1,000) inhabitants of Miami-Dade County, according to the latest United States census or succeeding annual update as determined by the appropriate agency of Miami-Dade County. By April 1 of each calendar year, the CSD shall file with the County Manager a report detailing the current Miami-Dade County population and the number of licenses, if any, which may be issued to maintain the population ratio provided in this subsection (1). The County Manager shall forward

such report to the commission. Unless by May 1 of each calendar year, the commission by a two-thirds (2/3s) vote calls for a public hearing to consider the report of the County Manager and the need for additional taxi licenses, the director shall administratively issue such licenses as may be necessary to maintain the population ratio provided in this subsection (1) pursuant to the lottery provisions of Section 31-82.

- (2) Public hearing. In the event the commission determines to hold such public hearing to consider the County Manager's report and to determine the need for additional for-hire taxicab licenses, such public hearing shall be considered no later than June of each year. The commission, by resolution, may authorize or refuse to increase the total number of for-hire taxicab licenses authorized upon such terms and conditions as in its judgment the public convenience and necessity may require. In reaching its decision, the commission shall consider the recommendation of the County Manager and all evidence produced at the public hearing and shall set the maximum number of for-hire taxicab licenses to be issued. Once the commission has determined to hold a public hearing, licenses shall not be increased and shall remain fixed pending a decision by the commission.

- (q) All additional for-hire licenses to operate a taxicab which are authorized pursuant to this section shall be issued by the CSD in accordance with the following procedures:

- (1) Determination of eligibility to participate in distribution of new taxicab for-hire licenses. Participation in the lottery or random selection process shall be limited to those chauffeurs: who for the five (5) year period immediately prior to application for participation in such lottery have held a valid Miami-Dade County taxicab chauffeur's registration; who are not holders of a Miami-Dade County for-hire taxicab license; who have not previously held a for-hire taxicab license; who do not hold any interest in a corporation, partnership or other entity which holds a Miami-

Dade County for-hire taxicab license, who meet the requirements of this section and Section 31-82(c), and who are residents of and domiciled in Miami-Dade County. Each chauffeur qualified to participate shall be allowed only one entry in the random selection or lottery process. Provided, however, in no event shall such selection or process result in any chauffeur, corporation, partnership or any other entity in which such chauffeur has any interest being authorized to operate more than one for-hire license.

- (2) Random selection or lottery. Where required by this chapter, a random selection lottery process shall be conducted as determined by the director. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the CSD no later than fifty (50) calendar days after the announcement of a lottery.
- (3) Separate lottery conducted by CSD. If, due to revocation, cancellation or lapse, the total number of valid for-hire taxicab licenses is less than the total number authorized, the CSD shall have authority to issue sufficient new licenses to bring the total issued up to the total authorized utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the director.
- (4) Conditions for participating in random selection or lottery process. In addition to the requirements stated above, all applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Every application to participate in the random selection or lottery process shall be filed in accordance with Section 31-82(c) of this chapter, including payment of the investigative and processing fee provided therein; list the chauffeur's registration number and include a sworn statement that (1) the applicant is the holder of a valid Dade County taxicab chauffeur's

registration, (2) that during the five (5) years prior to application, the applicant has not had his or her Miami-Dade County taxicab chauffeur's registration suspended or revoked or has not been found guilty of more than five (5) violations of this chapter and (3) that the applicant is a resident of and domiciled in Miami-Dade County. The CSD shall disqualify applicants who do not meet the requirements of this section from participation in the lottery. The director's decision shall be final.

(5) Condition of all new taxicab licenses. It shall be a condition of all for-hire taxicab licenses distributed through the random selection process which are issued after the effective date of this ordinance that the taxicab operated under authority of such license shall be driven by the license holder one out of two shifts per day an average of five days per week. Licenses issued pursuant to this section shall be issued in the chauffeur's individual name only. No new for-hire taxicab license shall be assigned, sold or transferred during the five (5) year period following the issuance of said license. Notwithstanding the foregoing, a new taxicab for-hire license may be transferred during the five (5) year period following issuance where the license is transferred involuntarily pursuant to Section 31-82(r) or due to the death or incompetency of the for-hire license holder. Where a new for-hire license is revoked because it has been assigned, sold or transferred in violation of section 31-82(q)(5), the proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to Miami-Dade County.

(r) Transfer of a taxicab license. Transfer of a taxicab license may be accomplished by purchase, gift, bequest or operation of law, and is subject to the written approval of the CSD.

(1) County approval required. No for-hire taxicab license shall be assigned, sold (either outright or under a conditional sales contract) or transferred

without prior approval of the director. No approval hereunder shall be granted unless it has been demonstrated that the assignee, purchaser (conditional or outright), or transferee meets all of the requirements of Section 31-82, including but not limited to payment of the required investigative and processing fee, and has submitted a written contract between the license holder and assignee, purchaser or transferee disclosing the terms and conditions of the proposed assignment, sale or transfer, including the amount of compensation which has been paid or is payable to the assignor, seller or transferor and any other consideration given or to be given to the assignor, seller or transferor in connection with the assignment, sale or transfer of the for-hire license. Any change in the ownership structure of a corporation or partnership where at least five (5%) percent of the shares of said corporation or at least five (5%) percent of the partnership interest is assigned sold or transferred to another shall be deemed a sale for purposes of this section. Failure to comply with this subsection will result in revocation of the for-hire license. Appeals of the director's decision shall be in accordance with the provisions of this chapter.

- (2) Unsatisfied judgments and outstanding tort liabilities. An assignment, sale or transfer shall not be permitted if an unsatisfied judgment is on file with Miami-Dade County against the licensed assignor, seller or transferor and the CSD has been notified of said judgment. If an appeal is pending from an unsatisfied judgment, the CSD, in its discretion, may permit such assignment, sale or transfer provided the assignor, seller or transferor files a bond in sufficient amount to satisfy the judgment. An assignment, sale or transfer also may be permitted without filing such bond provided that all judgment creditors of unsatisfied judgments file written permission with the CSD. An assignment, sale or transfer shall not be permitted unless the assignee, purchaser or transferee files a bond with the Clerk of the Circuit and County Court to cover all outstanding tort liabilities of the assignor, seller or transferor in excess of the amount

covered by the required commercial auto liability insurance policy.

- (3) Assignment, sale (conditional or outright) and transfer to chauffeurs. Unless otherwise provided, from the effective date of this ordinance for-hire taxicab licenses may only be assigned, sold (conditional or outright) or transferred to a Miami-Dade County registered taxicab chauffeur who:
(i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; (iii) is a resident of and domiciled in Miami-Dade County; and (iv) meets the requirements provided in this subsection and Section 31-82. Provided, however, in no event shall an assignment, sale (conditional or outright) or transfer be approved if a chauffeur has any interest (legal, equitable or beneficial) in any other for-hire license. It shall be a condition of any license that the assignee, purchaser or transferee shall actually drive the taxicab authorized thereby one out of two shifts per day on an average of five days per week and that the transferee shall not enter into any agreement to operate a taxicab under authority of such license with any other person who has any interest or ownership in another for-hire license.
- (4) Purchase by driver-owner of second for-hire taxicab license. Notwithstanding any provision to the contrary, a for-hire license holder who (i) is a registered chauffeur, (ii) holds only one (1) for-hire license in his or her name, (iii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire license, and (iv) actually drives the taxicab authorized thereby one out of two shifts per day on an average of five days per week may purchase a second for-hire license provided that said for-hire license holder continues to drive one of the two taxicabs authorized thereby one out of two shifts per day on an average of five days per week. Failure to comply with the requirements of this subsection

shall subject said for-hire taxicab license to suspension or revocation.

- (5) Gift of for-hire taxicab license. Notwithstanding any provision to the contrary, a qualified taxicab for-hire license holder may transfer a for-hire license as a gift (i.e., without consideration) to an immediate family member or another natural person who: (i) does not hold a Miami-Dade County for-hire taxicab license; (ii) does not hold any interest in a corporation, partnership or other entity which holds a Miami-Dade County for-hire taxicab license; (iii) is a resident of and domiciled in Miami-Dade County; and (iv) meets the requirements of Section 31-82 with the exception of the requirement that the transferee be a Miami-Dade County registered chauffeur. As used herein, a "qualified taxicab for-hire license holder" shall mean: (i) a natural person who holds a taxicab for-hire license in his or her name; (ii) a natural person who, as of the effective date of this ordinance, owns more than fifty percent of the shares of a corporation which holds a taxicab for-hire license in its name; or (iii) a natural person who, as of the effective date of this ordinance, holds more than a fifty percent interest in a partnership which holds a taxicab for-hire license in its name. A qualified taxicab for-hire license holder who holds more than one taxicab for-hire license may transfer as a gift no more than one for-hire license to each member of his or her immediate family and may only transfer a for-hire license as a gift to another natural person who is not an immediate family member on one occasion during his or her lifetime. As used herein, "immediate family member" shall mean parents, spouse, children, grandchildren or court-appointed legal guardian of an immediate family member.
- (6) Leasing the for-hire taxi license to other for-hire taxi chauffeurs. Leasing of the for-hire license to a Miami-Dade County registered chauffeur shall be permitted if the for-hire license holder complies with the provisions of this chapter.

(7) Conditions of voluntary transfers

- (i) Any for-hire taxicab for-hire license may only be transferred, sold or assigned in accordance with this section.
- (ii) For purposes of the sale of a for-hire license, the following requirements must be satisfied: (i) all outstanding fines and penalties against the for-hire taxicab license and chauffeur's registration must be paid or satisfied and all pending administrative matters must be resolved; and (ii) when seller owns two or more for-hire taxicab licenses, all outstanding items/proceedings as stated in (i) above shall be paid, satisfied or resolved.

(8) Conditions of involuntary transfers

- (i) An owner's interest in a for-hire taxicab license may be revoked pursuant to section 31-91. Upon a final order of revocation where all appellate proceedings, if any, have been concluded, the Clerk of the Circuit Court of Miami-Dade County shall sell the license at public auction to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) business days from the time of sale. The proceeds from the sale of such licenses, after deducting the expenses of the sale and all costs incurred by Miami-Dade County including, but not limited to, attorney's fees, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance, if any, shall be paid to the person whose interest in the for-hire license has been revoked, or to the County when the person cannot be located.
- (ii) An owner's interest in a for-hire taxicab license may be transferred involuntarily by a court of law and disposed of by public or private sale in the same manner as personal property. However, upon such involuntary

transfer, the license holder's license shall immediately be canceled and a new license issued to the purchaser or his, her or its vendee, provided that such purchaser or vendee satisfies the bond requirements of this section, except that if the involuntary transfer is by reason of a tort judgment against an involuntary transferor no bond need be provided with respect to the same judgment.

- (iii) Any person holding a bona fide lien or security interest in a for-hire taxicab license in Miami-Dade County shall have the right to enforcement of a lien against that license within thirty (30) days after any final order of revocation where all appellate proceedings, if any, have been concluded and upon actual notice to any lienholder whose name is on file with CSD.
- (iv) In order to perfect a lien or security interest in a for-hire taxicab license, the party which holds the pledge, lien or security interest, within thirty (30) days of the date of creation of the pledge, lien or security interest, shall record the same with the CSD, the Department of State UCC Bureau and the Clerk of the Circuit Court of Miami-Dade County and must (i) describe the collateral as a "Miami-Dade County for-hire taxicab license" and (ii) include the for-hire taxicab license number.
- (v) Any foreclosure of a perfected lien in a for-hire taxicab license shall be in the Circuit Court of Miami-Dade County and the CSD shall be joined as an indispensable party. All holders of liens or security interests senior to the pledge, lien or security interest being foreclosed shall be joined and deemed necessary parties to the foreclosure.
- (vi) Upon a judgment of foreclosure, the clerk of the Circuit Court of Miami-Dade County

shall sell the license at public auction, pursuant to chapter 45, Florida Statutes, to the highest and best bidder, who shall pay the amount bid by a cashier's check within seven (7) days from the time of sale. The proceeds from the sale of such license, after deducting the expenses of the sale, shall be paid, first, to the lienholder or lienholders in the order of date of filing and the balance shall be paid as directed in the judgment of foreclosure.

(vii) The institution of foreclosure procedures or the judicial transfer of a license shall not prevent the CSD from suspending or imposing a civil penalty or taking other administrative action against the licensee of record at the time of the alleged violation. However, should the CSD obtain a revocation of the license against the previous licensee of record, the revocation shall be effective only to impair the qualifications of the individual licensee, partners, officers, directors, or stockholders of that licensee.

(viii) Any transferee license holder who does not satisfy the for-hire taxicab license requirements of section 31-82 for a transfer shall have ninety (90) days from the date of judgment or sale in which to apply for transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of this section. The transferee may continue the operation of the taxicab during the pendency of the application only with prior approval of the CSD.

(9) Distribution from estate to a beneficiary.

(i) When a for-hire taxicab license or stock in a corporation owning a for-hire taxicab license is distributed from an estate to a beneficiary by a court of law, the transferee

shall submit to the CSD the court order directing the County to transfer the for-hire license to the beneficiary. The court order shall condition the transfer upon the transferee complying with this article.

- (ii) An executor or administrator may continue the operation of a taxicab only with prior approval of the CSD. The executor or administrator shall apply for such approval within sixty (60) days of his or her appointment, subject, however, to any further extension of time in the event of any possible will contest or other delay not caused by the executor or the administrator which will be granted in the discretion of the CSD for good cause shown.
- (iii) Any beneficiary who does not satisfy the for-hire taxicab license requirements of section 31-82 for a voluntary transfer shall have ninety (90) days in which to apply for CSD approval of the transfer of such license to a Miami-Dade County registered taxicab chauffeur who satisfies the requirements of section 31-82. An extension may be granted by the CSD Director provided good cause be shown.

(10) Conditional sales agreements.

- (i) Where an interest in a for-hire taxicab license is acquired through a conditional sales agreement the following shall apply: (i) the parties shall provide the CSD with a disclosure statement indicating the terms of the agreement within thirty (30) days of the execution of the agreement; (ii) the seller shall be liable for any fines or penalties imposed against the taxicab license for violations occurring during the term of the agreement, unless they are paid by the purchaser; and (iii) the seller shall notify the CSD in writing of any repossession by the

seller of the taxicab within seventy-two (72)
hours exclusive of weekends and holidays

~~[(n) All for-hire licenses shall expire unless renewed on or before February 1 of each year. Such renewal shall be accomplished by submission prior to expiration of the current for-hire license of a completed renewal application form, together with payment of an annual license fee. Such form shall require the operator to disclose the information specified in subsection (e)(1) of this section. The form shall be signed and sworn to in accordance with the requirements of such subsection. Every year staff shall mail to each operator the forms required for renewal no later than sixty (60) days prior to February 1. All fees provided for in this section shall be in addition to any other license fees or charges. Operators shall have a grace period of up to thirty (30) days after expiration of their license in which to renew same, provided, however, the operator within such thirty-day period shall also pay a surcharge over and above the annual license fee. Such surcharge shall be used exclusively to accomplish the regulatory purposes of this article. All for-hire licenses which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked, and all for-hire transportation services rendered thereunder shall immediately cease.]]~~

>>(s)<<[[~~(e)~~]]. As part of the annual renewal of a for-hire license, each operator shall certify on a form provided by the CSD the number of months during the preceding year that he operated and provided the service authorized by ~~[[his]]~~>>the<< for-hire license. Failure to so certify within the thirty-day grace period for renewal or failure to operate for at least five (5) months during the year period shall result in automatic revocation of the for-hire license. The foregoing notwithstanding, for for-hire licenses expiring January 31, 1991, or later, failure to operate for at least nine (9) months during the preceding year shall result in automatic revocation of such license. Operations within the thirty-day grace period provided in subsection (i) shall not be counted for purposes of determining compliance with the requirements of the two (2) preceding sentences.

[[~~(p)~~]]>>(t)<< No for-hire >>limousine<< license shall be assigned, sold (either outright or under a conditional sales contract) or transferred without prior County approval.

- (1) The Director is authorized to approve assignments, sales or transfers from one operator to another when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsection (c)(1) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. Appeals of the Director's decision shall be made to the Commission.
- (2) The Director shall issue a replacement for-hire license to any operator upon application and presentation of proof or a notarized affidavit showing proof that the for-hire license has been lost or stolen, or that a for-hire license is requested for a replacement for-hire motor vehicle.
- (3) Upon prior County approval in accordance with this subsection (3), an operator may pledge his interest in his for-hire license to a licensed or chartered lending institution authorized to do business in Florida as security for a loan incurred by the operator for the purchase of such license or for the purchase of a motor vehicle operated under such license. As part of the regular transfer process, a proposed transferee may simultaneously seek approval hereunder of such pledge. The applicant shall make application and pay a nonrefundable processing fee therefor with CSD. As part of the application, the applicant shall demonstrate compliance with the foregoing requirements. The CSD shall process and review the application and shall make a recommendation thereon to the County Commission. The Commission may approve such application as requested or with such modifications or upon such conditions as in its judgment the public convenience and necessity shall require. Upon Commission approval, the named lender shall be entitled to transfer of such license to the lender in

the event of default and foreclosure of such loan or upon revocation of the borrowing operator's license under Section 31-91. The lender may subsequently transfer such license subject to compliance with the requirements and procedures governing transfer specified in the balance of subsection [(p)]

>>(t)<<

* * *

>>(u)<<[(q)] It shall be unlawful to operate any vehicle as a for-hire motor vehicle without first having obtained a for-hire license specifically relating to said vehicle. The for-hire license shall, at all times, be displayed within the vehicle and shall be available for inspection by any police officer or authorized agent of the CSD.

[(+)] ~~From and after one hundred twenty (120) days after the effective date of this subsection [June 2, 1989], it shall be unlawful for any chauffeur other than one who is also the holder of the for-hire taxicab license for the taxicab or who is registered with the CSD as an employee of the license holder to operate the taxicab authorized under such license unless a written agreement has been entered into directly between such chauffeur and the license holder and such agreement has been registered and a copy thereof filed with the CSD. The written agreement required by this subsection shall:~~

- ~~(1) Provide an express term; and~~
- ~~(2) Only be cancellable for the reasons stated therein; and~~
- ~~(3) State the full legal name and business address (post office box addresses shall be unacceptable) of the contracting parties; and~~
- ~~(4) State the number of the Miami-Dade County for-hire taxicab license to which the agreement applies; and~~
- ~~(5) State the consideration to be paid to the license holder for the right to operate the taxicab authorized by the license.~~

~~A copy of the registration form required by this subsection shall be maintained within the taxicab and shall be available for inspection by police and enforcement personnel. In those instances where a written agreement is required by this subsection, it shall be unlawful for the license holder to receive any payment for the right to operate under his license from or on behalf of the other party to such agreement, which is not specified in the agreement.]]~~

Sec. 31-83. Chauffeur's registration.

It shall be unlawful for any person to drive a taxicab or limousine over any street in >>Miami-<<Dade County without first having obtained a chauffeur's registration from the CSD pursuant to Chapter 31, Article V of this Code. >>Effective January 1, 2000, every initial taxicab chauffeur shall be required to complete an apprentice program as prescribed by the CSD.<<

Sec. 31-84. Duties of Consumer Services Department.

- (a) In addition to the duties and responsibilities specified in this article, the CSD shall be charged with the following duties and responsibilities:
- (1) Process, investigate and prepare all reports required by this article.
 - (2) Investigate and prepare reports on alleged violations of this article.
 - (3) Enforce the provisions of this article.
 - (4) Attempt to resolve complaints received from any source concerning the industry.
 - (5) Issue >>deny, suspend and revoke<<all for-hire licenses >>passenger service company registrations<< and chauffeurs' registrations pursuant to the provisions of this [[~~article~~]] >>chapter<<, and maintain appropriate files regarding same.

- (6) Prepare and conduct >> or cause to be conducted a training, orientation and apprentice program for chauffeurs and a training and orientation for for-hire license holders and passenger service companies << ~~[[a chauffeurs' training and orientation program]]~~
- (7) Develop and implement, in cooperation with the industry, service expansion and improvements.
- (8) Provide technical assistance to the industry.
- (9) Create and render technical assistance to a for-hire vehicle advisory group comprised of representatives from consumers, the industry, transportation-related interests, municipalities and public interest organizations.
- (10) Develop a standardized reporting technique for operators after consultation with a for-hire vehicle advisory group.
- (11) Assign an exclusive number to be displayed on each for-hire vehicle operating in >> Miami - << Dade County.
- (12) Provide >> a system to << ~~[[in conjunction with the assistant to the County Manager for municipal liaison a complaint desk to]]~~ handle complaints of municipal officials relating to for-hire service within such municipalities and expedite the solution of same.
- (13) Perform any other functions assigned by the County Manager.
- (14) Coordinate cooperative enforcement activities with municipalities, including implementing procedures for the disposition of fine revenues collected.
- (15) Prepare and implement, in coordination and after consultation with the industry, changes, amendments or modifications to administrative orders establishing fees pursuant to this article and provide the industry with at least ten (10) days notice prior to consideration of such changes,

amendments or modifications by the Board of
County Commissioners.

>>(16) Upon court order have closed and sealed unlicensed
service provider establishments in accordance with
this article.

(17) Develop and implement a Taxicab Driver Incentive
Program. The Driver Incentive Program shall be
subject to approval of the Board of County
Commissioners by resolution. The incentive
program shall be developed to reward, among other
things: (a) driver courtesy and professionalism;
(b) customer service; (c) knowledge of the
community and historic landmarks; (d) cleanliness
of the vehicle; and (e) professional attire. <<

(b) The Director may propose and the County Manager may
promulgate further rules and regulations to carry out the
provisions of this article, which rules and regulations, when
approved by the Board of County Commissioners, shall
have the force and effect of the law.

(c) Except for the fees ~~[[specified in subsection (d) of Section
31-93, whenever in this article a fee is charged or is
required to be paid, the amount of such fee shall be
established by administrative order of the County Manager
approved by the Commission.]]~~>>established by the
County Manager and approved by the Commission for for-
hire vehicles providing transportation of persons and their
baggage from Miami International Airport and from the
Port of Miami, whenever in this article a fee is charged or
is required to be paid, the amount of such fee shall be
established by administrative order of the county manager
and approved by the commission. << Such fees shall be
deposited in a separate >>Miami-<<Dade County fund and
shall be used exclusively to accomplish the regulatory
purposes of this article. The amount of each fee established
hereunder shall be reasonably related to the cost of the
services and regulation provided therefor.

* * *

Sec. 31-85. Rules for operation.

- (a) Each operator shall adopt and use, after approval by the CSD a ~~[[distinctive,]]~~ uniform and decorative color scheme for all taxicabs licensed pursuant to this article >>which shall be yellow<<. The CSD shall refuse to approve any proposed color scheme which >>is not school bus yellow<< ~~[[will infringe upon any color scheme already in use by another operator. Once approved, no other color scheme shall be employed, unless and until approved by the CSD.]]~~ >>License holders shall comply with the uniform color scheme at the time a new vehicle is placed into service<<. Failure to comply with this section shall be grounds for suspension of all for-hire licenses issued to the operator.
- * * *
- (c) >>Unless otherwise provided in this article,
p<<[[P]]ersonal property left by a passenger in any for-hire motor vehicle shall, upon its discovery by or delivery to the chauffeur of said vehicle, be reported immediately to and deposited at the operator's office, where a record of the same shall be maintained and the property held for the owner for a period of six (6) months, at the end of which it shall become the property of the finder. The operator shall be responsible for compliance with this section by the chauffeur.
- * * *
- (e) >>Unless otherwise provided in this article, e<<[[E]]very operator shall collect and file on a daily basis all manifests and trip sheets for each for-hire motor vehicle. The operator shall furnish the forms for each manifest to the chauffeur, which forms shall be approved by the County. Operators shall not destroy, mutilate, alter or otherwise deface any daily manifests without CSD approval. All manifests shall be available for inspection and copying by the CSD or any police agency during regular business hours and shall be retained for one (1) year.
- (f) >>Reserved<< ~~[[Each operator shall maintain a central place of business, with a properly listed telephone for receiving all calls for taxicab service, and where he shall keep the business records and daily manifests set forth~~

herein ~~Each operator shall provide the CSD with his
current business telephone number and address.]]~~

* * *

(h) >>Reserved<< ~~[[No operator shall~~

- ~~(1) Knowingly allow or permit any person to operate a
for hire motor vehicle while his or her ability or
alertness is so impaired or so likely to become
impaired, through fatigue, illness, or any other
cause, as to make it unsafe for him or her to begin
or continue to operate the motor vehicle;~~
- ~~(2) Permit or authorize any chauffeur or other person to
operate any for hire motor vehicle without that
vehicle's current valid for hire license displayed
therein;~~
- (3) ~~Operate or permit or authorize anyone else to
operate any for hire vehicle the condition of which
is so unsafe and deteriorated as to render it unfit for
public use; or~~
- (4) ~~Permit or authorize any person to operate a for hire
motor vehicle unless and until that person is issued
a current valid chauffeur" registration in accordance
with Section 31-83 of this article.]]~~

* * *

- (j) (1) No ~~[[operator or]]~~ >> passenger service company,
for-hire license holder << chauffeur >> or any other
person << shall directly or indirectly provide
compensation in any form to any individual or
entity or engage in any activity in connection with
the payment of compensation for the right to pick
up passengers or provide taxicab service from any
hotel, motel, apartment, restaurant, nightclub, bar,
or any other business establishment, or public
facility. The license >> or registration << of any
~~[[operator]]~~ >> passenger service company, for-hire
license holder << or ~~[[the]]~~ chauffeur ~~[[registration
of any chauffeur]]~~ violating this provision shall be
subject to suspension for up to six (6) months in
accordance with the provisions of Section 31-91 or

other appropriate enforcement action as provided in
[[~~Section 31-90(e)~~]] >>this article<<

- (2) It shall be a violation of this article for any individual or entity to accept compensation in any form, either directly or indirectly, from any ~~[[operator or]]~~ >>passenger service company, for-hire license holder, << chauffeur >> or any other person<< for the right to pick up passengers or provide taxicab service from any hotel, motel, apartment, restaurant, nightclub, bar, or any other business establishment or public facility.

>>(k) A limousine operator shall provide the following management services:

- (1) Maintenance facilities and maintenance program for the upkeep of vehicles operating under the for-hire license
- (2) A system for handling complaints, accidents and property left by a passenger in the for-hire motor vehicle
- (3) A central place of business, with a properly listed telephone for receiving all calls relating to for-hire vehicle service and where the operator will maintain the business records and daily manifests as set forth in Section 31-85 of this article.
- (4) A driver training program which the applicant will utilize to ensure quality service.

Each limousine operator shall file a management plan to provide the management services required by this chapter including, but not limited to, a proposal for submission of appropriate insurance coverage as required by section 31-88 of this article.<<

Sec. 31-86. Taximeters.

- (a) Each taxicab shall be equipped with a taximeter meeting ~~[[all specifications, tolerances and other technical requirements for taximeters specified in Handbook H-44, National Bureau of Standards.]]~~ >>the requirements described in this article. All customer receipts, whether

handwritten or generated by a taximeter, shall contain the fare charged, the name and telephone number of the passenger service company, the operating permit number and the telephone number for filing complaints with the CSD <<It shall be a violation of this article for any operator or chauffeur to operate any taxicab unless and until its taximeter has been inspected and certified as operable and accurate by CSD and has affixed thereto a current valid taximeter certification label, sticker or decal.

* * *

- (f) The amount of fare collected from any passenger shall be that amount shown by the taximeter, unless the passenger is being transported at one of the approved special service rates.

* * *

Sec. 31-87. Rate regulation.

- (A) The provisions of this section shall be the exclusive method for the establishment of for-hire motor vehicle rates throughout Dade County. Notwithstanding the provisions of any municipal ordinance, resolution or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate rates charged by the industry. All municipal ordinances or resolutions to the contrary are hereby superseded.
- (B) It shall be unlawful for an operator or chauffeur to charge, demand, request or accept any fare other than the rates established pursuant to this article. >>The Board of County Commissioners shall establish minimum rates for limousines and stretch limousines.<< Rates established by this article shall be applicable through Dade County, both in the incorporated and unincorporated areas, without regard to any municipal boundaries.
- (C) Except as otherwise provided herein, the Board of County Commissioners of Dade County, Florida, shall establish all rates for taxicabs, limousines and for-hire vehicles operating in Dade County. From and after the effective date of this article, rates shall be established, altered,

amended, revised, increased or decreased in accordance with the following procedures:

- (1) The CSD, upon request of the Commission or the County Manager, shall investigate and prepare a report concerning the existing rates. In the case of taxicab rates, said investigation shall specify the relative changes in the consumer price index over the preceding two-year period and shall quantify what rates would be if the currently approved uniform taxicab meter rates were adjusted for such change. Such investigation shall also consider any additional matters, or review of special service rates when requested by the Commission or Manager. In the case of limousine rates, said investigation shall consider the financial and operating reports submitted by each operator to determine operating ratios, revenues, expenses and the potential impact of the proposed rate changes. For ratemaking purposes, the CSD will not consider any costs incurred in the acquisition of a license and political contributions. Costs which will be considered in rate studies will include vehicle operating, maintenance and repair expenses, salaries of drivers, dispatchers and supervisors, insurance costs, taxes and license fees, and administrative and general expenses as prescribed on CSD financial and operating report forms.

* * *

- (3) A public hearing concerning rates shall be scheduled. At such hearing, all interested parties shall have an opportunity to be heard. The Board of County Commissioners shall consider the CSD's report, the County Manager's recommendation, and all evidence produced at the hearing and, by resolution, shall determine and set the appropriate rates as may be in the public interest. Appeals of the Board of County Commissioners' decision shall be in accordance ~~[[with Section 31-91(f) of this article.]]~~ >>with the Florida Rules of Appellate Procedure for review of administrative action. <<

* * *

Sec. 31-88. Insurance requirements.

- (a) No for-hire motor vehicle shall be permitted to operate without the ~~[[operator]]~~ >>the license holder or entity providing passenger services<< having first obtained and filed with the CSD a certificate of insurance on forms provided by the CSD for each for-hire motor vehicle showing the >>federal vehicle identification number, a vehicle description and the for-hire license number, and shall list<< the ~~[[operator]]~~ >>for-hire license holder<<, each chauffeur the ~~[[operator]]~~ >>entity providing passenger services<< allows to operate the vehicle, >>the passenger service company, where applicable,<< and the owner of the vehicle as insureds under an automobile liability insurance policy with limits of liability no less than fifty thousand dollars (\$50,000) per person, and one hundred thousand dollars (\$100,000) per occurrence for bodily injury, and twenty thousand dollars (\$20,000) per occurrence for property damage >>Additionally, the certificate of insurance shall specify coverage for complete 24-hour vehicle operations for all drivers who have a Miami-Dade County chauffeur's registration, regardless of where operated or whether engaged in for-hire operations, and shall state the limits of automobile liability and property damage coverage << Failure to provide current certificates of insurance or to maintain appropriate insurance coverage for each for-hire vehicle shall be grounds for revocation of that vehicle's for-hire license.
- (b) Scope of Insurance. The insurance required in this section shall be issued by an insurer that is a member of the Florida Insurance Guaranty Association. Insurance coverage shall be for a policy term of at least six (6) months. Nothing in this insurance policy or declaration shall permit binders, deductibles, self insurance or any provision requiring the insured to reimburse the insurance company for claims.
- * * *
- (f) Examination of Insurance Policy. The CSD reserves the right to require submission of a certified copy of or to examine the original policies of insurance including but not limited to endorsements, amendments, exclusions, riders, any additional contracts between the insured and the insurer

and applications to confirm the existence of the required insured coverage <<

* * *

Sec. 31-89. Vehicle standards.

- (a) >>In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571 and Florida Statutes, the<< ~~[[The]]~~ following vehicle standards apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards >>and minimum inspection requirements<<:
- (1) ~~[[Comply with the safety and mechanical standards, if established by the County, for all motor vehicles.]]~~>>Brakes within allowable parameters as provided by test equipment readings for stopping effectiveness. There shall be no leaks in lines, hoses, fittings, or parts; hoses shall not be cracked or frayed; there shall be no audible air leaks in air brake system.<<
- (2) ~~[[Display, if required by the County, a current, valid County vehicle inspection sticker.]]~~>>License, permit or inspection decals, as applicable, shall be correctly displayed and be clearly visible from the outside of the vehicle.<<
- >>(a) chauffeur registration, operating permit number, rate card, passenger advisory and any additional information as may be required shall be displayed within the vehicle in accordance with the instructions of the CSD.<<
- >>(b) vehicle signage and markings shall be as required by this article.<<
- (3) ~~[[Have a rear-view mirror and a side-view mirror mounted on the driver's side of the vehicle.]]~~>>Inside rear-view mirror and a mirror on each side of vehicle<<

- (4) ~~[[Have a]]~~ >>A<< functioning speedometer >>and odometer<<indicating speed in miles per hour and a functioning odometer indicating distance in miles.
- (5) ~~[[Have a functioning mechanism which insures that the trunk, or rear access door in the case of station wagons, remains closed during travel.]]~~
>>Functioning windows, door handles and latches.
The primary and secondary hood/trunk/rear access door latches shall be fully operable <<
- (6) ~~[[Have a]]~~ >>A<< functioning interior light within the passenger compartment. If the light becomes defective, the operator must correct the defect on the very next day or remove the vehicle from service at that time.
- (7) ~~[[Have a]]~~ >>A<<n operating air-conditioning system that provides cooled and heated air. If the air-conditioning system becomes inoperable, the vehicle must be removed from service until such system is repaired. >>Maximum output temperature will be based on a sliding scale chart which takes outside air temperature and relative humidity into account. Output temperature will be taken at center duct with controls set for maximum cooling <<
- (8) The vehicle exterior must be free of grime, oil or other substances and free from cracks, breaks, dents and damaged paint that detracts from the overall appearance of the vehicle and that could harm, injure, soil or impair the passenger or his personal belongings.
- (9) Equipped with hubcaps or wheelcovers, ~~[[if required,]]~~ on all four (4) wheels. If not on vehicle, the operator must put them on vehicle the next day.
- (10) ~~[[Body molding in place, or if removed, holes filled and painted.]]~~ >>Bumpers/mouldings/guards shall be installed/ replaced as originally manufactured except for moldings on side panel doors <<
- (11) The interior of the trunk, or rear portion of >>for-hire vehicles,<< ~~[[station wagons,]]~~ shall be free

from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.

- (12) The passenger compartment must be clean, free from torn upholstery or floor coverings, damaged or broken seats, and protruding sharp edges. >> All equipment in the interior of the vehicle shall be safely and adequately secured. There shall be no holes opening to the passenger compartment from the underbody. <<
- (13) ~~[[The for-hire license displayed in accordance with instructions issued by the CSD. Have a]]~~ >> A horn which shall be audible <<
- (14) The driver's vision must be unobstructed on all four (4) sides.
- >>(15) Safe tires - no recaps shall be used. Maximum allowable treadwear shall be where tread is level with wear bar, or 2/32" when measured at three random places in tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges or exposed belts.
- (16) Front-end and rear-end alignment shall be within allowable parameters as provided by test equipment readings for alignment.
- (17) Wiper blades must be able to clean glass when wet and the rubber element shall not be torn, ripped, or loose.
- (18) All lights shall be operable including 4-way flasher, turn and signal, clearance, warning, marker, brakes, taillight, license plate, backup and parking light. All lights must be of correct color and properly positioned as required by Florida Statutes and regulations. All dome lights must be operable with lens in place.
- (19) Reflectors and lenses shall not be cracked or missing and must be of correct color and properly positioned.

- (20) Headlights, low and high beam, shall be operable, and within test equipment allowable readings
- (21) Glass shall not be broken or cracked and chips must be capable of being ground out, leaving a smooth, clear finish.
- (22) Doors - shall be operable with all weather stripping and rubber seals.
- (23) Vehicle steering and suspension shall be functional.
- (24) Seatbelts for all persons transported shall be in place and functional, unless otherwise exempted by regulation.
- (25) Vehicles used to transport individuals in wheelchairs shall be equipped with the following:
 - Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift requirements of the Americans with Disabilities Act.
 - For each wheelchair passenger transported, two points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.
 - For each wheelchair passenger being transported, there shall be sufficient restraining belts or straps designed to securely confine the passenger to the wheelchair in which he or she is transported. The restraining belts or straps shall be utilized.
- (26) Vehicles, other than taxicabs, used to transport passengers shall not display the word(s) "taxicab", "taxi" or "cab" on the vehicle exterior or interior and shall not be equipped with a taximeter.<<

(b) Taxicabs shall meet the following additional standards:

- (1) The taxicab number, fares or rates, ~~[[operator's]]~~
>>trade<< name or business name and ~~[[operator's~~
~~business]]~~ >>passenger service company's<<
telephone number shall be permanently affixed to
the exterior of the vehicle in accordance with
instruction issued by the CSD.
- (2) Vehicle exterior color scheme must be approved by
the CSD.
- (3) The top and tell-tale lights must be
operable >>Only taxis shall be equipped with a
taximeter or top tell-tale light <<
- (4) ~~[[The rate card, chauffeur's registration, and~~
~~passenger information must be displayed within the~~
~~passenger compartment in accordance with~~
~~instructions issued by the CSD.]]~~ >>Advertisement
on behalf of third parties may be displayed on the
outside or inside of a for-hire vehicle provided
approval is given by the CSD and any display is
installed pursuant to instructions of the CSD. In no
event shall the top and tell-tale lights of a taxicab be
obscured <<
- (5) Taxicabs operated under for-hire licenses issued
through the lottery process provided in Section 31-
82 shall have a mobile two-way radio, excluding
CB radios, ~~[[and mobile]]~~ >>or a cellular<<
telephone[[s]], installed and operating properly in
compliance with applicable standards and
requirements of the Federal Communications
Commission (FCC).

(c) Limousines shall meet the following additional
standard[[s]]: ~~[[(+)-T]]~~ >>the vehicle number must be
displayed in accordance with instructions issued by the
CSD.

- ~~[[(-2)] The chauffeur's registration must be displayed~~
~~within the passenger compartment in accordance~~
~~with instructions issued by the CSD.~~

- (3) ~~All limousines put in service after the effective date of this article must have a functioning air conditioner system.]]~~
- (d) The CSD shall conduct an annual taximeter inspection for each taxicab and shall inspect each vehicle for compliance with the foregoing standards, and any other requirement or prohibition contained in this article other than standards, requirements or prohibitions relating to taximeters, as provided below. ~~[[The CSD shall, within sixty (60) days from the date of adoption of this subsection [June 23, 1989], develop and submit to the County Commission for approval standards for a safety and mechanical inspection of taxicabs. The CSD shall incorporate such safety and mechanical standards in the vehicle inspection required by this article upon their approval by the County Commission.]]~~ No for-hire >>limousine<< motor vehicle older than fifteen (15) model years shall be operated pursuant to this article. CSD shall provide for annual inspection of each >>limousine<< vehicle between and including one (1) and two (2) model years old; CSD shall provide for semi-annual inspection of each >>limousine<< vehicle between and including three (3) and four (4) model years old; CSD shall provide for quarterly inspection of each >>limousine<< vehicle between and including five (5) and fifteen (15) model years old for compliance with the foregoing standards. ~~[[The CSD shall develop special standards to be applied to for-hire motor vehicles older than five (5) model years which are used as taxicabs in order to assure that such vehicles are safe and maintain a clean and neat appearance.]]~~ The CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD, any police officer or any other authorized personnel may inspect any for-hire motor vehicle at any time, and may require the driver of said vehicle to stop the vehicle at any time, ~~[[except when transporting passengers,]]~~ and to permit the inspection of the interior or exterior of the vehicle, and to produce any license, permit, or document required by this article. ~~[[The interior of the trunk or rear portion of station wagons shall be free from dirt, grime, oil, trash, or other material which could soil items placed therein and free of protruding metal or other objects that could damage items placed therein.]]~~ The results of each inspection >>and the date for the next inspection<< shall be recorded and a copy provided the operator. Any vehicle

failing to meet required safety standards shall not be operated as a for-hire vehicle until such time as the vehicle satisfactorily passes a reinspection. The CSD shall charge a fee for such reinspection. Notwithstanding the foregoing, the quarterly inspection of each vehicle between and including five (5) and fifteen (15) model years old to determine compliance with the vehicle condition standards required by Section 31-89(a)(3), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14), Section 31-89(b)(1), (2), (3), (4) and (5) and Section 31-89(c)(1), (2) and (3) shall commence on May 1, 1995 and the quarterly inspection of each such vehicle to determine compliance with the vehicle safety and mechanical standards required by Section 31-89(a)(1), (2) and (4) shall be reduced to semi-annual inspection until July 1, 1998.

[[~~(e) Notwithstanding any other provisions of this article, from and after January 1, 1989, all for-hire vehicles shall comply with the requirements of subsection (7) of subsection (a) of this section.~~]]

>>(e)<<[[~~(f)~~]] Notwithstanding any other provision of this article, from and after ninety (90) days after the conduct of the lottery process, all taxicabs operated under for-hire licenses issued through the lottery process provided in Section 31-82 shall comply with the requirements of subsection (5) of subsection (b) of this section.

>>(f)<<[[~~(g)~~]] Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the CSD may inspect a for-hire vehicle at any time. Any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over eight (8) years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

- (1) Twelve (12) through fifteen (15) model years of age as of the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 1999.
- (2) Nine (9) through eleven (11) model years of age on the effective date of this ordinance, which is being

used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until May 1, 2000; and

- (3) Six (6) through eight (8) model years of age on the effective date of this ordinance, which is being used as a taxicab in Miami-Dade County on the effective date of this ordinance, may continue to be operated until December 31, 2000

The grace period provided for in the preceding sentence shall not apply to taxicabs operated pursuant to the random selection process implemented after the adoption of this ordinance. Taxicabs shall minimally meet the following inspection schedule:

- (1) Taxicabs 1 through 2 model years of age shall be inspected annually;
- (2) Taxicabs 3-through 4 model years of age shall be inspected semi-annually;
- (3) Taxicabs 5 model years of age or more shall be inspected quarterly
- (g) Telecommunication devices for taxis. Beginning January 1, 1999, all taxicabs shall have a mobile two-way radio, excluding CB radios, or a cellular telephone, installed and operating properly in compliance with applicable standards and requirements of the Federal Communications Commission and this chapter. <<

Sec. 31-90. Enforcement of article.

* * *

- (b) The CSD ~~[[shall develop]]~~ >>may employ<< a deficiency or warning system through which operators are given written notice of minor violations and a specified period of time to correct same. >>Unless otherwise provided, all other<< ~~[[For more serious or repeated]]~~ violations~~[[, the CSD shall develop a citation form. Authorized personnel shall issue citations as official notice of violations. Civil~~

~~violations by chauffeurs]]~~ shall be processed under Chapter
8CC of the Code

* * *

**Sec. 31-91. ~~[[License or registration suspension or
revocation proceedings.]]>>Suspension and
revocation proceedings<<~~**

~~[[~~(A) ~~Except as otherwise specified, for hire licenses (issued
pursuant to Section 31-82) and chauffeur's registrations
(issued pursuant to Section 31-83) are subject to suspension
or revocation by the Director as follows:~~

- ~~(1) *For hire licenses:* Upon notice and hearing as
hereinafter specified, unless waived by the license
holder, when it shall appear that:~~
 - ~~(a) The holder thereof has been convicted of a
felony or any criminal offense involving
moral turpitude;~~
 - ~~(b) The license was obtained by an application
in which any material fact was omitted or
falsely stated;~~
 - ~~(c) The holder thereof has permitted his for hire
motor vehicle to be operated in violation of
any law;~~
 - ~~(d) The holder thereof has failed after being
notified in writing to comply with, or has
willfully violated any of the provisions of
this article, or~~
 - ~~(e) The public interest will best be served by
revocation or suspension, provided,
however, that good cause be shown.~~
- ~~(2) *Chauffeur's registrations:* Upon notice and hearing
as hereinafter specified, unless waived by chauffeur,
when it shall appear that:~~
 - ~~(a) The chauffeur has failed to comply with or
has willfully violated any of the provisions
of this article;~~

- (b) ~~The registration was obtained by an application in which any material fact was omitted or falsely stated on, or~~
 - (c) ~~The public interest will best be served by revocation or suspension, provided, however, that good cause be shown.~~
- (B) ~~All hearings required by this section shall be preceded by a minimum of ten (10) days' written notice. Said notice shall specify the Director's proposed action and the grounds upon which the action is predicated. The operator or chauffeur (as the case may be) may be represented by legal counsel and shall be entitled to present his defense to the proposed action. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice. All such hearings shall be conducted before a hearing examiner who shall not have responsibility for the enforcement of this article and who shall be designated by the Director, and insofar as is practicable in accordance with the rules of civil procedure governing the procedure in Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. All such hearings shall be reported and, at the request of any party, transcribed.~~
- ~~Within a reasonable time after the conclusion of the hearing, the hearing examiner shall submit to the Director a statement of findings, conclusions and recommendations. If the hearing examiner affirms the Director's proposed action, the appellant shall pay the administrative costs of the hearing, unless such decision is reversed on subsequent appeal. The Director shall promptly notify all parties of his or her decision.~~
- (C) ~~The hearing examiner shall have the power to administer oaths, subpoena witnesses upon the written request of any interested party, and may compel the production of records, books or papers. Should the hearing examiner, without good cause, refuse to subpoena witnesses or compel the production of books, records or papers, then any interested party may, without cost to the petitioner, petition the County Court to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing. Failure of~~

~~any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of Court and may be punishable as may any other contempt of Court. If any witness fails to honor a subpoena, the party requesting the same may apply to the County Court for a rule to show cause why the witness should not appear and if after being ordered to appear by the Court, the witness fails to comply therewith, the Court after due notice and hearing may adjudge the witness in contempt of court and punish him accordingly. The subpoenaing party shall bear the cost of such subpoena.~~

- (D) ~~The Director's decision may be appealed to the County Manager within ten (10) days of the date of said decision. Such appeal shall not stay the Director's decision. Upon such an appeal, the County Manager shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The County Manager shall, within twenty (20) days, on the basis of the record established before the Director, either affirm, reverse, or modify the Director's decision.~~
- (E) ~~Suspensions pursuant to this section shall not exceed six (6) months. Three (3) or more suspensions within any twelve-month period may constitute grounds for revocation of the for-hire license or registration so suspended.~~
- (F) ~~Appeals from the County Manager's decisions pursuant to this section and appeals from any Board of County Commissioners' decision concerning for-hire licenses or rates shall be to the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, in accordance with the Florida Appellate Rules.]]~~
- >>(a) Grounds for suspension or revocation. In addition to the grounds for automatic suspension or revocation provided elsewhere in this chapter, for-hire licenses, passenger service company registrations, operating permits, and chauffeur registrations shall be subject to suspension or revocation by the director as follows:
 - (1) Upon the director's determination that:
 - (i) The license, registration or permit holder has pled nolo contendere, pled guilty, been

found guilty or been convicted (regardless of whether adjudication has been withheld) of any criminal offense which would preclude the issuance of the license, registration or permit as provided in this chapter.

- (ii) The license, registration or permit was obtained by an application in which any material fact was omitted or falsely stated.
 - (iii) The license, registration or permit holder has failed to comply with or has violated any of the provisions of this chapter, or
 - (iv) The public interest will best be served by revocation or suspension of the license, registration or permit provided, however, that good cause be shown.
 - (v) The chauffeur has failed any drug test required by the Code or state or federal law; or
 - (vi) A taxicab renewal application does not comply with the requirement of this chapter.
 - (vii) Any for-hire motor vehicle has been operated in violation of any of the provisions of this chapter.
- (b) Notice of suspension or revocation action. Except where this chapter provides for automatic suspension or revocation, the CSD shall provide notice of suspension or revocation to the violator by certified mail ten (10) days before the violator must comply with the director's decision.
- (c) Appeals from decisions of director and administrative hearings.
- (1) Right to appeal. Any for-hire license holder, passenger service company registration holder, and for-hire chauffeur shall have the right to appeal application denials, suspensions and revocations by the Director. The named party shall elect to either:

- (a) Comply with the Director's decision in the manner indicated on the Notice of Director's Decision, or
 - (b) Request an administrative hearing before a hearing officer to appeal the decision of the Director.
- (2) Filing the appeal. Appeal by administrative hearing shall be accomplished by filing within ten (10) days after the date of the decision complained of a written notice of appeal to the Clerk of the Courts, Code Enforcement Section. The notice of appeal shall set forth concisely the nature of the decision appealed and the reasons or grounds for appeal.
- (3) Failure to appeal. Failure to appeal the decision of the Director within the prescribed time period shall constitute a waiver of the person's right to an administrative hearing before the hearing officer. Where the Director's decision involves a suspension or revocation, a waiver of the right to an administrative hearing shall be treated as an admission of the violation and the Director's decision shall be deemed final and enforceable. No further remedies shall be granted and the decision shall stand.
- (4) Hearing officers. Hearing Officers shall be appointed by the Clerk of the Courts, Code Enforcement Section.
- (5) Scheduling and conduct of hearing.
 - (a) Upon receipt of a timely request for an administrative hearing, the hearing officer shall set the matter down for hearing on the next regularly scheduled hearing date or as soon as possible thereafter or as mandated in the specified section of the Code.
 - (b) The hearing officer shall send a notice of hearing by first class mail to the named party at his, her or its last known address. The notice of hearing shall include but not be limited to the following: place, date and

time of the hearing; right of the named party to be represented by a lawyer; right of the named party to present witnesses and evidence; in the case of a director's decision involving suspension or revocation, notice that failure of the named party to attend the hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice; and notice that requests for continuances will not be considered if not received by the hearing officer at least ten (10) calendar days prior to the date set for hearing.

- (c) The hearing officers shall call hearings on a monthly basis or upon the request of the CSD. No hearing shall be set sooner than fifteen (15) calendar days from the date of notice of the director's decision, unless otherwise prescribed by this chapter.
- (d) A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance, is received in writing by the hearing officer at least ten (10) calendar days prior to the date set for the hearing. No additional continuances shall be granted without concurrence of the CSD.
- (e) All hearings conducted by a hearing officer shall be open to the public. All testimony shall be under oath. If the named party has been properly notified, a hearing may proceed in the absence of the named party and the failure to attend a hearing shall be deemed a waiver of the right to a hearing and an admission of the acts specified in the notice.
- (f) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

- (g) The Clerk of the Board of County Commissioners shall provide clerical and administrative personnel as may be reasonably required by each hearing officer for the proper performance of his or her duties.
- (h) Each case before a hearing officer shall be presented by the director or his or her designee.
- (i) The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses.
- (j) Each party shall have the right: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any relevant matter; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. All relevant evidence shall be admitted.
- (k) The hearing officer shall make findings of fact based on the evidence of record. In order to make a finding upholding the director's decision the hearing officer must find that a preponderance of the evidence supports the director's decision and, where applicable, indicate that the named party was responsible for the violation of the relevant section of the Code as charged.
- (l) If the director's decision is affirmed the named party may be held liable for the reasonable costs of the administrative hearing.
- (m) The fact-finding determination of the hearing officer shall be limited to whether the alleged violation occurred or whether competent, substantial evidence supports the director's decisions. Based upon this fact-finding determination, the hearing officer shall either affirm or reverse the decision of

the director. If the hearing officer affirms the decision of the director, the named party shall have fifteen (15) days from the date of the hearing officer's decision to comply with the decision of the director. If the hearing officer reverses the decision of the director and finds (1) the named party not responsible for the violation alleged; or (2) insufficient basis for the denial of application, a written decision shall be prepared setting forth the basis for such determination. If the hearing officer reverses the decision of the director, the named party shall not be required to comply with the decision of the director, absent reversal of the hearing officer's findings pursuant to Section 31-91(c)(6). If the decision of the hearing officer is to affirm, then the following shall be included in the decision:

- (a) Decision of the Director.
- (b) Administrative costs of the hearing.
- (c) Date for compliance, if applicable.
- (n) The hearing officer shall have the power to:
 - (a) Adopt procedures for the conduct of hearings;
 - (b) Subpoena alleged violators and witnesses for hearings; subpoenas may be served by the Miami-Dade County Sheriff's Department or by the hearing officer's staff;
 - (c) Subpoena evidence; and
 - (d) Take testimony under oath.

(6) Appeals.

- (a) The named party or the county may appeal a final order of the hearing officer by filing a

notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Rules of Appellate Procedure for the review of administrative action.

(b) Unless the findings of the hearing officer are overturned in a proceeding held pursuant to section 31-91(c)(6), all findings of the hearing officer shall be admissible in any further proceeding to compel compliance with the director's decision.

(7) Nothing contained in this chapter shall prohibit Miami-Dade County from enforcing the Code by any other means authorized by law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code. The words "action" and "decision" as used herein shall not include the filing of any action by the director in any court. The director may reconsider at any time any action or decision taken by the director and therefore may modify such an action or decision <<

Sec. 31-92. Violations; penalties.

(a) In addition to any other penalties provided by law, ~~[[a twenty-five dollar (\$25.00) fine may be imposed for each and every violation of the provisions of this article, provided that a fifty dollar (\$50.00) fine may be imposed for a violation of Section 31-89(a)(7) of this Code. Violations which result in fines pursuant to this section shall not be the basis for revocation or suspension proceedings, except that five (5) or more violations resulting in fines within any twelve-month period shall constitute grounds for revocation or suspension proceedings.]]>> including but not limited to those provided in this article, a violation of any applicable provision of this article by a for-hire license holder, registered passenger service company or registered chauffeur shall constitute a civil offense punishable by the applicable civil penalty as provided in the schedule of civil~~

penalties in Section 8CC-10 of this Code. Failure of a person to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later, shall result in automatic suspension of such person's for-hire license, passenger service company registration, operating permit and chauffeur registration and all for-hire operations shall cease until such fine is paid in full. If a person commits five (5) violations of the same section of this chapter during any twelve (12) month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration shall be automatically revoked. If a person commits five (5) violations of this chapter during any twelve (12) month period, such person's for-hire license, passenger service company registration, operating permit or chauffeur's registration may be suspended for a period of up to six (6) months or revoked <<

- (b) Failure to correct items recorded on a deficiency report by the time of deadline shall cause a citation to be issued for each such item. ~~[[In the case of chauffeurs, for civil violations, a e]]>>~~C<<itation>>s<< shall be issued under Chapter 8CC of the Code.
- (c) ~~[[Except for chauffeurs receiving civil violations, each person issued a citation shall within ten (10) days either satisfy the citation by payment to the CSD of the fine stated in subsection (a) hereof or by filing a written request for hearing on the charges. Failure to do one of the foregoing may result in revocation or suspension proceedings or imposition of the penalties provided for in subsection (f) hereof.]]>>~~Any person who is found guilty on at least two (2) prior occasions within a three (3) year period of advertising or providing for-hire transportation, passenger services, or driving or operating a for-hire vehicle without having a valid, current for-hire license, passenger service company registration, operating permit or chauffeur's registration as required by this chapter shall be punishable by fines of greater than \$5,000 but less than \$10,000 and/or imprisonment not to exceed forty-five (45) days <<
- (d) Except for ~~[[chauffeurs receiving]]~~ civil violations, the hearings specified in subsection (c) hereof shall be within

the jurisdiction of the County Court and the Clerk of the Court is hereby empowered to dispose of the case and fines assessed through the normal procedure.

- (e) Anyone who engages a for-hire vehicle with intent to defraud the chauffeur or operator shall be in violation of this article and subject to ~~[[the penalty provided for in subsection (f) hereof.]]~~ >>a fine of \$500 and/or imprisonment not to exceed ten (10) days <<
- ~~[[(f) Violations of subsection 31-82(a) or violation of revocation or suspension ordered under Section 31-91 shall be punishable by fines of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisonment not to exceed ten (10) days, or both.]]~~
- ~~[[(g)]]~~ >>(f)<<Any person who is found guilty of signing an application for issuance, renewal, >>modification<< assignment, sale or transfer of a for-hire license>> passenger service company registration chauffeur registration or operating permit<< which falsely states any material fact shall be punished by a fine of ~~[[five hundred dollars (\$500.00)]]~~ >>\$1,000<< and imprisonment in the County Jail for ~~[[sixty (60)]]~~ >>thirty (30)<< days.

* * *

Sec. 31-93. Special provisions.

* * *

- ~~[[(b) Any person operating for hire motor vehicles within Dade County on September 30, 1981, upon the authority of a Dade County certificate of public convenience and necessity or a certificate of public convenience and necessity issued by a municipality regulating the industry in accordance with the provisions of Ordinance No. 75-35 as amended, or authorized to operate pursuant to Ordinance No. 79-24, shall, upon proper proof of possession of such authority, be entitled to a for-hire license upon the payment of the fee required in Section 31-82(h) of this article for each vehicle meeting the requirements of this article. Ord. No. 79-24 is expressly saved from repeal. Holders of municipal certificates shall only be issued a license for each~~

~~vehicle that is not also operating under authority of a Dade County certificate or permit. No for hire licenses shall be issued in accordance with this section unless same have been applied for no later than ninety (90) days after October 1, 1981, provided that on each license applied for a separate and distinct vehicle meeting the requirements of this article is listed and a proper and timely application and fee is submitted in accordance with this section. A separate and identifiable motor vehicle cannot be used to apply for more than one (1) for hire license under this section.~~

- (e) ~~No new for hire licensed vehicles shall be authorized until June 1, 1986, except for those vehicles licensed under subsection (b) of this section. Thereafter, no additional for hire license shall be approved unless and until Dade County's population increases or the number of for hire licenses decreases such as would allow additional licenses to be issued pursuant to Section 31-82 of this article.]]~~

[[~~(d)~~]]>>(b)<<

Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees.

* * *

- [[~~(f)~~]] Notwithstanding any other provision of this article, all for hire licenses which automatically expired in calendar 1988 because they were not timely renewed may be renewed before February 28, 1990, upon compliance with the requirements of Section 31-82(n) and payment of a renewal charge. Any such for hire licenses which have not been renewed within forty five (45) days after the effective date of this ordinance shall automatically be deemed revoked. No for hire transportation services shall be rendered under such licenses until they are renewed in accordance with this subsection.]]

* * *

>>Sec. 31-100. Passenger service companies.

- (a) Prohibition against unauthorized operations. No person or entity shall provide taxicab passenger services on behalf of a for-hire license holder without such person or entity first obtaining a Miami-Dade County passenger service company registration and maintaining such registration current and valid in accordance with this article. A taxicab for-hire license holder may provide passenger services without obtaining a registration if he, she or it only provides said services for a taxicab(s) operated pursuant to a for-hire license(s) issued to said for-hire license holder and complies with all other requirements of this section.
- (b) Taxicab passenger services. Taxicab passenger services provided by a passenger service company or for-hire license holder shall minimally include, but not be limited to, the following: providing for-hire vehicle color schemes and markings, providing two-way radio or cellular telephone dispatch services, maintenance and advertising of a telephone number for receiving all calls related to for-hire taxi services, handling passenger complaints and passenger lost and found; a properly listed telephone for receiving all calls relating to for-hire vehicle service.
- (c) Application procedures. Every application for a passenger service company registration shall be in writing, signed and sworn to by the applicant, and shall be filed with the CSD together with a non-refundable investigative and processing fee. The application shall be on a form provided by the CSD and shall contain all information required thereon, including:
- (1) Full legal name, mailing address and business telephone number, federal identification number of all partners of a partnership and of all directors, officers, resident agents and stockholders who hold five (5) percent or more of the issued and outstanding shares of the corporation. The applicant shall disclose the foregoing information for any person who has an interest (legal, equitable, beneficial or otherwise) in the registration. Post office addresses shall not be acceptable.

- (2) The address of the place of business from which for-hire operations are conducted. Such place of business shall be in Miami-Dade County; shall be in compliance with applicable zoning requirements for its operations; and shall have a properly listed telephone number for receiving all calls relating to for-hire vehicle service.
- (3) A record of all crimes of which any partner, director, officer or stockholder has pled nolo contendere, pled guilty, been found guilty or been convicted. The applicant shall have his or her fingerprints and photographs taken by the Metro-Dade Police Department. This information shall be obtained for all corporate officers and directors or partners, as the case may be. Stockholders who hold less than five (5) percent of the issued and outstanding shares of the corporation shall not be required to comply with the requirements of this subsection.
- (4) A current, valid occupational license and a current fictitious name registration.
- (5) Three (3) Miami-Dade County written credit references, including at least one (1) bank where the applicant has a current account and a certified financial statement.
- (6) A written passenger service plan which shall include:
 - (i) a description of the services to be provided to passengers;
 - (ii) a description of the vehicle maintenance facilities and vehicle maintenance program, if applicable;
 - (iii) a description of the system for handling complaints, accidents and property left by a passenger in the for-hire vehicle;

- (iv) a description of the quality assurance program which will be utilized to assure delivery of service to passengers.
 - (v) a description of the system for handling insurance requirements under this chapter.
 - (vi) a description of the radio or cellular telephone dispatch system, as required including procedure for receiving passenger calls, dispatching calls, and maintaining required records.
 - (vii) A copy of the passenger service agreement forms which it proposes to execute with for-hire license holders and chauffeurs.
 - (viii) A sworn statement signed by the applicant that all the information provided by the applicant is true and correct.
- (d) Investigation and eligibility of passenger service applicant. The CSD shall investigate each application. The director may issue or refuse to issue such registration on such terms and conditions as the public interest may require. The director's decision to deny an application may be appealed in accordance with this chapter. An applicant shall not be eligible for a passenger service company registration if he/she/it:
- (1) has misrepresented or concealed a material fact on his/her/its application.
 - (2) is an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States.
 - (3) is a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others.
 - (4) has within the last five (5) years pled nolo contendere, pled guilty, been found guilty or been convicted of a felony unless his or her civil or residency rights have been restored.

- (5) has pled nolo contendere, pled guilty, been found guilty or been convicted of any crime wherein a for-hire vehicle was employed whether or not adjudication has been withheld;
- (6) has pled nolo contendere, pled guilty, been found guilty or been convicted of any felony involving moral turpitude relating to sex, the use of a deadly weapon, homicide, violence against a law enforcement officer under §775.0823, Florida Statutes, or is a habitual violent felony offender under §775.084, Florida Statutes;
- (7) violated any condition, limitation, or restriction of a passenger service company registration imposed by the director, or commission;
- (8) was enjoined by a court of competent jurisdiction from engaging in the for-hire business or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this chapter;
- (9) if the person is a corporation or partnership, a stockholder, officer, director, or partner thereof and has committed an act or omission which would be cause for denying a passenger service company registration to the officer, director, stockholder, or partner as an individual;
- (10) failed to comply with the terms of a cease and desist order, notice to correct a violation or any other lawful order of the director;
- (11) has any unsatisfied civil penalty or judgment relating to for-hire operations;
- (12) is not located in Miami-Dade County and/or its place of business is not in a properly zoned location;
- (13) has within the last five (5) years plead nolo contendere, pled guilty, been found guilty or been convicted of any misdemeanor (regardless of

whether adjudication is withheld) involving moral turpitude relating to sex, or

(14) has within the last ten (10) years pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication is withheld) of any offense involving trafficking in narcotics. After said ten (10) year period, such a person shall only be eligible if and when his or her civil or residency rights have been restored.

(e) Conditions for obtaining a passenger service company registration. No passenger service company registration shall be issued or renewed unless the applicant:

- (1) has paid a registration fee;
- (2) has complied with the insurance requirements of this article for each vehicle it operates, if applicable;
- (3) has entered into a passenger service agreement with the for-hire license holder for each for-hire vehicle it operates;
- (4) has entered into a chauffeur's agreement with each chauffeur who operates or drives a for-hire vehicle for which the passenger service company provides passenger services;
- (5) maintains a quality assurance program including regular training for all affiliated chauffeurs;
- (6) provides a radio or cellular telephone dispatch system.

(f) Issuance and replacement of passenger service company registration.

- (1) Issuance. Each passenger service company registration shall be on a form provided by the CSD and shall be signed by the director. Each registration shall, at minimum, contain the legal name of the applicant, any fictitious name to be utilized, the address and telephone number of the place of business, the registration expiration date,

the class of passenger services authorized, and such additional terms, conditions, provisions and limitations as are imposed during the approval process.

(2) Replacement. The director shall issue a replacement registration to any registration holder upon application, payment of a non-refundable replacement fee and presentation of proof of or a sworn affidavit that the license has been lost or stolen.

(g) Expiration of and renewal process for passenger service company registration.

Passenger service company registrations may be issued for such periods as specified in the administrative order establishing the fees. The CSD may establish staggered registration terms to ease the administration of the renewal process. Renewal shall be accomplished in the same manner as the initial application no less than thirty (30) days prior to expiration of the registration together with payment of a registration fee. No registration shall be renewed for an applicant who does not have at least one (1) current, valid passenger service agreement in effect. Registration holders shall have a grace period of up to thirty (30) days after expiration of their registration in which to renew same, provided, however, the registration holder within such thirty (30) day period shall also pay a non-refundable late fee over and above the annual registration fee. All registrations which have not been renewed on or before thirty (30) days after their expiration shall automatically be deemed revoked.

(h) Rules pertaining to change in control of the passenger service company registration. Passenger service company registrations shall not be sold, transferred, assigned or leased. Any change in control or ownership of a passenger service company registration shall immediately terminate the registration and a new passenger service company application shall be filed. The passenger service company may continue to operate provided that such application has been filed with the CSD within ten (10) days of the change in control or ownership. The application shall be filed in

accordance with Section 31-100(c) and be accompanied by an investigatory and processing fee.

(i) Requirement of a passenger service agreement with for-hire license holder. Each passenger service company shall enter into a separate written passenger service agreement with the for-hire license holder for each vehicle operated in accordance with this chapter. The written passenger service agreement:

- (1) Shall provide for an express duration for the agreement;
- (2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein;
- (3) Shall state the full legal name and address (post office boxes shall not be acceptable), license and registration numbers;
- (4) Shall state and itemize the compensation to be paid by the passenger service company for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the license holder to receive any compensation from the passenger service company which is not specified in the existing passenger service agreement;
- (5) Shall provide who shall be responsible for obtaining the required insurance for the for-hire vehicle;
- (6) Shall provide that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees;
- (7) Shall be signed by both the for-hire license holder and the passenger service company; and
- (8) Shall include a sworn statement attesting to the truth if all representations made in the passenger service agreement

(i) Requirement for chauffeur's agreement. Each passenger service company shall enter into a written chauffeur's

agreement with each chauffeur it allows to operate any for-hire vehicle for which the passenger service company provides passenger services. The written chauffeur's agreement:

- (1) Shall provide for an express duration for the agreement.
 - (2) Shall only be terminated with at least thirty (30) days prior notice unless good cause be shown and only for the reasons stated therein.
 - (3) Shall state the full legal name and address (post office boxes shall not be acceptable) and respective passenger service company's and chauffeur's registration numbers.
 - (4) Shall state and itemize the compensation to be paid by the chauffeur for the right to operate a for-hire vehicle authorized by a for-hire license. It shall be unlawful for the passenger service company to receive any compensation from the chauffeur which is not specified in the existing chauffeur's agreement.
 - (5) Shall state whether the passenger service company or the license holder shall be responsible for obtaining the required insurance for the for-hire vehicle.
 - (6) Shall state that the license holder shall obtain the operating permit and pay all application and vehicle inspection fees.
 - (7) Shall be signed by both the chauffeur and the passenger service company, and
 - (8) Shall include a sworn statement attesting to the truth of all representations made in the chauffeur agreement.
- (k) Rules of operation. Passenger service companies must abide by all rules and regulations applicable to passenger service companies and shall be subject to the enforcement provisions in this chapter and chapter 8CC of the Miami-

Dade County Code For the purposes of this subsection, the phrase "for-hire license holder" shall be substituted for the phrase "passenger service company" where this chapter authorizes a for-hire license holder to provide passenger services and said for-hire license holder does in fact provide passenger services. A passenger service company:

- (1) Shall comply with all applicable federal, State of Florida and Miami-Dade County ordinances, laws, rules and regulations;
- (2) Shall maintain for a one (1) year period and make available for inspection by police and enforcement personnel a copy of the passenger service agreement with any for-hire license holder and any chauffeur and a copy of the agreement between the for-hire license holder and chauffeur;
- (3) Shall comply with all terms of both the passenger service agreement and the chauffeur agreement;
- (4) Shall maintain a record of all requests for service for each passenger transport request received by telephone or made in writing which shall minimally include the following information: name of passenger requesting service, assigned vehicle number, date and time of service request and service provision and origin and destination of each trip. All records must be made available for inspection and copying within one business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;
- (5) Shall maintain a log of all customer complaints;
- (6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;
- (7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;
- (8) Shall hold any personal property deposited in the lost and found facility for a period of six (6)

months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year, and

- (9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.
- (l) Responsibility for violations of chapter. The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

>>**Section 31-101. Advertisement of for-hire services.**

- (a) No person may knowingly place or publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies for-hire transportation regulated by this article, unless the advertisement includes the for-hire license number or passenger service company number.
- (b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading where the heading describes or encompasses any for-hire transportation regulated under this article.
- (c) No person shall advertise a rate or fare other than the rate or fare approved pursuant to Section 31-87.<<

ARTICLE III. PASSENGER MOTOR CARRIERS.

* * *

Sec. 31-109. Rates and fares.

- (a) *Applicability.* The provisions of this section shall be the exclusive method for the establishment of passenger motor carrier rates through Dade County.
- (b) *Rates and fares to be charged.* It shall be unlawful for any operator to charge, demand, request or accept any fare other than the rates and fares established pursuant to this article.
- (c) *Methods of establishing rates.* Each operator may establish rates and fares under one (1) or both of the following categories:

- (1) Rates and fares:

* * *

>>(3) Stretch limousine rates. Notwithstanding any other provision in this section, all rates and fares for stretch limousines shall be established pursuant to section 31-87.<<

Section 2. Ordinance No. 98-3 is hereby amended as follows:

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES.

* * *

Sec. 31-94. Seizure, impoundment and forfeiture.

* * *

(E) Decisions at hearing

* * *

- (2) If the magistrate, county court judge or hearing examiner finds a violation of the Code, the magistrate, county court judge or hearing examiner shall assess a fine and/or jail sentence as provided in Section 31-92~~[(4)]~~ of the Code, and removal and storage fees. The fine(s), if any, and removal and storage fees must be paid in order to obtain an order for release of the seized vehicle. A magistrate, county court judge or hearing examiner shall not issue an order releasing the vehicle where said vehicle is subject to forfeiture proceedings pursuant to Section 31-94(G).

* * *

Section 3 Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended as follows

* * *

Sec. 8CC-10. Schedule of civil penalties.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-82(a)</u>	<u>advertising or permitting operations without a valid, current for-hire license</u>	<u>\$1,000.00</u>
<u>31-82(j)(2)</u>	<u>failure to report change of address</u>	<u>\$100.00</u>
<u>31-82(j)(3)</u>	<u>failure to maintain records at principal place of business of entity responsible for passenger services</u>	<u>\$100.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-82(j)(4)</u>	<u>failure to enter into passenger service agreement or comply with 31-100(k)</u>	<u>\$500.00</u>
<u>31-82(j)(6)</u>	<u>permitting or authorizing any chauffeur or other person to operate any for-hire vehicle without that vehicle's current valid operating permit displayed</u>	<u>\$500.00</u>
<u>31-82(j)(7)</u>	<u>allowing person to operate without a chauffeur registration and without a chauffeur's agreement</u>	<u>\$500.00</u>
<u>31-82(j)(8)</u>	<u>allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage</u>	<u>\$500.00</u>
<u>31-82(j)(9)</u>	<u>failure to register and inspect all vehicles placed and taken out of service</u>	<u>\$200.00</u>
<u>31-82(j)(10)</u>	<u>permitting or authorizing operation of a vehicle which does not meet applicable vehicle standards</u>	<u>\$100.00</u>
<u>31-82(j)(11)</u>	<u>allowing any person to operate a for-hire vehicle whose alertness is impaired</u>	<u>\$250.00</u>
<u>31-82(j)(12)</u>	<u>refusal or neglect to transport</u>	<u>\$100.00</u>
<u>31-82(j)(13)</u>	<u>failure to enter into chauffeur agreement</u>	<u>\$100.00</u>
<u>31-85(b)</u>	<u>failure to comply with requirements for designated public stands</u>	<u>\$100.00</u>
<u>31-85(j)(1)</u>	<u>providing compensation for the right to pick up passengers from or provide for-hire service to any business establishment or public facility</u>	<u>\$500.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-85(j)(2)</u>	<u>prohibition against accepting compensation for right to pick up passengers</u>	<u>\$500.00</u>
<u>31-86(a)</u>	<u>failure to operate with a taximeter meeting requirements of the Code</u>	<u>\$200.00</u>
<u>31-86(b)</u>	<u>starting and ending the meter in violation of the requirement</u>	<u>\$200.00</u>
<u>31-86(d)</u>	<u>Failure to operate with properly sealed and operating taximeter</u>	<u>\$250.00</u>
<u>31-86(g)</u>	<u>tampering with a taximeter or the seal</u>	<u>\$500.00</u>
<u>31-88(a)</u>	<u>permitting or operating without insurance</u>	<u>\$500.00</u>
<u>31-88(a)</u>	<u>failure to comply with insurance coverage requirements</u>	<u>\$500.00</u>
<u>31-88(b)</u>	<u>failing to provide necessary insurance coverage or insurance-related services</u>	<u>\$500.00</u>
<u>31-88(c)</u>	<u>failure to provide CSD with required notices of insurance cancellation</u>	<u>\$200.00</u>
<u>31-88(f)</u>	<u>failure to provide documents when requested by the CSD</u>	<u>\$200.00</u>
<u>31-89(a)</u>	<u>operating a vehicle in violation of the vehicle standards and Sec. 31-92(b)</u>	<u>\$75.00</u>
<u>31-89(a)(2)</u>	<u>operating for-hire vehicle without a current, valid operating permit or inspection decal, as applicable displayed</u>	<u>\$250.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-89(a)(7)</u>	<u>failure to have an operating air-conditioning system</u>	<u>\$250.00</u>
<u>31-89(b)(1)</u>	<u>failure to properly display consumer information</u>	<u>\$100.00</u>
<u>31-89(b)(3)</u>	<u>Failure to operate with a lit tell-tale light</u>	<u>\$25.00</u>
<u>31-89(b)(4)</u>	<u>failure to obtain CSD approval or to install display in accordance with CSD instructions</u>	<u>\$100.00</u>
<u>31-89(g)</u>	<u>failure to have an operating mobile two-way radio</u>	<u>\$250.00</u>
<u>31-93(d)</u>	<u>failure to comply with requirements for operating at Miami International Airport and the Port of Miami</u>	<u>\$100.00</u>
<u>31-100(a)</u>	<u>prohibition against providing taxi passenger services on behalf of a for-hire license holder without a current, valid passenger service company registration</u>	<u>\$1,000.00</u>
<u>31-100(i)</u>	<u>failure to enter into agreement with for-hire taxi license holder</u>	<u>\$500.00</u>
<u>31-100(j)</u>	<u>failure to enter into agreement with for-hire taxi chauffeur</u>	<u>\$500.00</u>
<u>31-100(k)(2)</u>	<u>failure to maintain and make available copies of passenger service agreements</u>	<u>\$200.00</u>
<u>31-100(k)(3)</u>	<u>failure to comply with all terms of passenger service agreements with for-hire license holders and chauffeurs</u>	<u>\$500.00</u>
<u>31-100(k)(4)</u>	<u>failure to ensure maintenance and availability of records pertaining to for-hire operations</u>	<u>\$200.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
<u>31-100(k)(7)</u>	<u>refusal to dispatch or neglect to dispatch a request to transport</u>	<u>\$100.00</u>
<u>31-100(k)(8)</u>	<u>failure to comply with lost and found rules</u>	<u>\$100.00</u>
<u>31-101(a)</u>	<u>Publishing an advertisement of ground transportation services without the for-hire license company or passenger service company registration number</u>	<u>\$500.00</u>
<u>31-101(c)</u>	<u>advertising other than approved rate or fare</u>	<u>\$500.00</u>
	<u>All other Chapter 31 Article II violations</u>	<u>\$50.00<<</u>

Section 4 If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5 It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6 With the exception of (a) sections 31-82(a), 31-85(j), 31-89, 31-90, 31-91 and Section 3 of this ordinance which shall become effective thirty (30) days after the date of enactment of this ordinance, and (b) sections 31-82(c) through (k), 31-86, 31-87, 31-88, 31-100, 31-101 and 31-109 which shall become effective one hundred and twenty (120) days after the date of enactment of this ordinance, this ordinance shall become effective two hundred and

seventy (270) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 7. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JUL 09 1998

Approved by County Attorney as
to form and legal sufficiency.

RA6

Prepared by:

GKS

Sponsored by Commissioner Dennis C. Moss

MEMORANDUM

Agenda Item No. 4(D)

TO: Hon. Chairperson and Members
Board of County Commissioners

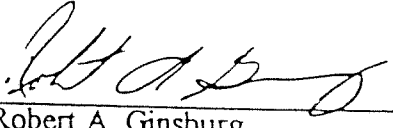
(Public Hearing 6-22-99)
DATE: June 8, 1999

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending Sec.
31-93 of the Code relating to
taxicab services

99-71

The accompanying ordinance was prepared and placed on the agenda at the request of
Dr. Barbara M. Carey-Shuler, Commissioner District 3.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: June 22, 1999

FROM: M. R. Sherbert
County Manager

SUBJECT: Fiscal Impact of Ordinance
Relating to Taxicab Service
in Underserved Taxicab
Service Areas

99-71

The proposed ordinance establishes an underserved taxicab service area, with specific operating requirements. It allows licenses to be used through a lottery for chauffeurs who will only serve the underserved area. Unless a large number of license holders seek qualification as an underserved area taxicab, a fiscal impact is not anticipated.

lis/07599

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4 (D)
6-22-99

ORDINANCE NO. 99-71

ORDINANCE AMENDING SECTION 31-93 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO PROVISION OF TAXICAB SERVICES; PROVIDING FOR ESTABLISHMENT OF UNDERSERVED TAXICAB SERVICE AREA AND CRITERIA FOR DESIGNATION AS UNDERSERVED AREA TAXICAB; PROVIDING FOR UNDERSERVED TAXICAB AREA FOR-HIRE LICENSE LOTTERY AND RULES FOR OPERATIONS PURSUANT TO AUTHORITY OF SUCH FOR-HIRE LICENSES; PROVIDING FOR VEHICLE AGE STANDARD AND COLOR SCHEME FOR UNDERSERVED TAXICAB SERVICE AREA; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, there are economically disadvantaged areas of Miami-Dade County that have a high rate of unemployment and poverty; and

WHEREAS, there are community-wide efforts to reduce unemployment through increased economic opportunities, including programs such as the Empowerment Zone and Enterprise Zone; and

WHEREAS, increased employment opportunities will raise the household income for families and single heads of households; and

WHEREAS, Ordinance No. 98-105 relating to taxicabs contains requirements designed to improve taxicab service to visitors, tourists and the community, such as newer vehicles, uniform color scheme, two-way communications and enhanced insurance; and

WHEREAS, the establishment of an underserved taxicab service area and issuance of for-hire lottery licenses to chauffeurs who agree to serve economically disadvantaged parts of the

Liberty City, Model City, Brownsville and Overtown areas will increase economic opportunity and provide increased service to the underserved area at all hours of the day and night,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Section 31-93 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 31-93 Special Provisions.

* * *

>>(c) Underserved taxicab service area.

- (1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the economically disadvantaged area in Miami-Dade County that is bounded on the north by N.W. 79th Street, on the south by N.W. 7th Street, on the east by Miami Avenue and on the west by N.W. 27th Avenue. For purposes of this subsection, an "underserved area taxicab" means a taxicab where:
- (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75%) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>doubled arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab.

- (2) In each of the calendar years 2000, 2001, 2002, and 2003, an additional two (2) for-hire taxicab licenses shall be issued annually through a separate lottery to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license for a period of five (5) years after the initial issuance of the license. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be ten thousand (\$10,000) dollars.
- (3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

- (4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) may utilize a color scheme approved by the Director of CSD which does not satisfy the requirements of Section 31-85 (a) pertaining to uniform color scheme.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance shall stand repealed five (5) years from its effective date.

PASSED AND ADOPTED: JUN 22 1999

Approved by County Attorney as
to form and legal sufficiency. RAG

Prepared by: Gks

Sponsored by Dr. Barbara M. Carey-Shuler



MEMORANDUM

CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA
Agenda Item No. 6(5)

(Second Reading 3-11-03)

TO: Honorable Chairperson and Members
Board of County Commissioners

FROM: Steve Shiver
County Manager

DATE: February 4, 2003

SUBJECT: Ordinance Amending Chapter 31
of the Code relating to Wheelchair
Accessible Taxicabs

03.45

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which amends Chapter 31 of the Code of Miami-Dade County, by establishing regulations and requirements for wheelchair accessible taxicabs (WAC).

BACKGROUND

On July 9, 1998, the Board of County Commissioners adopted Ordinance 98-105, which overhauled the County's for-hire taxi industry. One of the commitments was that a wheelchair accessible vehicle component would be developed.

As a large metropolitan area and preeminent destination location, it is important that Miami-Dade County provide all consumers with for-hire transportation services that meet their needs and expectations. Currently, Miami-Dade County has no wheelchair accessible taxicabs. Residents and visitors must rely on existing non-emergency vehicles, shuttles, or special transportation services, which may be unavailable at the time requested, must be scheduled days in advance, or may be available at a substantially higher fare than taxi service.

The attached ordinance establishes the mechanism to implement wheelchair accessible taxicabs. Input was received from the Taxicab and Hospitality industries, the Americans with Disabilities Act (ADA) office, and the Commission on Disability Issues (CODI). All comments, concerns, and recommendations from these meetings were integrated into the proposed ordinance, resulting in the following major elements:

- Establishes a goal that by 2006 three (3) percent of the taxicabs will be wheelchair accessible;
- Provides that at least fifty percent (50%) of future licenses to be issued through the lottery process, including the twenty-seven licenses scheduled for 2003, may be designated for wheelchair accessible use in order to meet the goal;
- Provides for an additional five (5) for-hire licenses to be issued in 2003 designated solely for wheelchair accessible service;
- Incorporates financial incentives for the recipients of wheelchair accessible taxicab licenses by:
 - reducing the price of the medallion from \$15,000 to cost \$5,000.00; and
 - enabling a wheelchair accessible vehicle to operate to ten (10) model years.
- Incorporates various definitions, operating standards and enforcement remedies.

143

Industry representatives, as well as staff, recommend that the WAC service begin with a conservative number of twenty (20) vehicles or approximately one percent (1%) of the existing taxicab fleet with five (5) vehicles from the additional proposed lottery licenses and fifteen (15) from the scheduled 2003 lottery. A matrix of other jurisdictions throughout the United States of similar size, diversity and character to Miami-Dade, is attached for comparison.

FISCAL IMPACT

In order to provide a financial incentive to the wheelchair accessible taxicab license winners, there will be a reduction of \$125,000 in revenue to the department. Proceeds of \$75,000 from a recent public auction of a revoked taxi for-hire license will defray a portion of the County's cost to implement this much needed and long awaited service.

Attachment

CITY/STATE	ANY REQUIRE WAC	# REG VOLUNTARY	# WAC REG	ANNUAL L FEE REG	ANNUAL FEE WAC	WAC INCENTIVE \$	RESPONSE TIME SERVICE REQUIREMENTS	ADA COMPLIANT	WAC AGE	REG AGE	METHOD # WAC'S DECIDED	WAC TRAINING	WAC PICK UP NON-DISAB
Chicago, IL	Yes	Mandatory	6309	30 new, add'l 20 by yr. end;	500	500	reimbursement for conversion costs up to \$15,000 per cab	Yes, City inspection	7 yrs	7 yrs	50 over a 3 yr period - 15, 1999, 15, 2000, 20 2001	yes, during the required week long City training course, we provide additional training	Yes
Fairfax, VA	Yes	Mandatory	489	15	150	150	No	No	7 yrs or 450,000 miles	6 yrs or 380,000	percentage of total certificated cabs	No	Yes
Las Vegas, NV	Yes	Mandatory	1468	31	100	100	No	No	Taxicab Authority 4 yrs. checks (local handicap advocates agreed w/requirements), nothing written co. have cabs retrofitted to ADA, no actual certification	4 yrs	Each co required 2 (13 co total)	company trains per ADA requirements	Yes
Montgomery County, MD	Yes	Mandatory	514	60	325	325	No	No	7 model yrs	7 model yrs	usage reports; for all new vehicle licenses issued, 20% must be accessible	County made training program 10 yrs ago, co provide training, but outdated now yes, Mass Transit Auth. Provides	Yes
Portland, OR	Yes	Mandatory	306	78	100	100	No	Yes, by Taxicab Supv	N/A	N/A	ea Co must have 20% accessible	handling/tying down w/c	yes
Arlington, VA (Red Top Cab)	Yes	Voluntary	633	20	N/A	N/A	No	No	7 yrs	7 yrs	public convenience and necessity	handling/tying down w/c	yes
Dallas, TX	Yes	Voluntary	2727	2	250	250	No	N/A	5 yrs; 7 if alternate fuel used	5 yrs; 7 if alternate fuel used	None	No	yes
Denver, CO	Yes	Voluntary	842	don't track	N/A	N/A	No	No	6 model yrs.	6 model yrs	None	Co provides sensitivity training	Yes
Broward, FL	Yes	Mandatory	765	20	200	200	Yes	Yes	None	None	Based upon U.S. census increase, 3.5% of total taxi fleet	None	Yes
Los Angeles, CA	Yes	Voluntary	2300	160	78	78	No	No	9 yrs. Of age	8 yrs. Of age	None	no	Yes
New Orleans, LA	Yes	No longer provide.	1600	10	150	N/A	N/A	N/A	N/A	N/A	City Council Wisdom	No	Yes
Orange County, CA	Yes	Voluntary	700	<12	225	225	No	No	10 yrs as of 1/01	10 yrs as of 1/01	None	maybe by cab co. cab policy	Yes
San Francisco, CA	Yes	Voluntary	1306	75	550	175	Lower annual fee	No	3 yrs; 4 if alternate fuel used	3 yrs; 4 if alt fuel used	public convenience and necessity	handling/tying down w/c	Yes
Tampa, FL (Hillsborough County)	Yes	Voluntary	484	approx. 20	500	500	No	no, but do inspect straps, etc. for serviceability	cannot be put in service if > 5 yrs; can stay indefinitely if passes annual insp.	cannot be put in service if > 5 yrs; can stay indefinitely if passes annual insp.	public convenience and necessity through a public hearing	Drivers additional training of (PR, First Aid, & Defensive Driving	Yes
Columbus, OH	No	Voluntary	500	N/A	75	75	No	No	none	none	City Council may consider pop. service demand	No	Yes

CITY/STATE	ANY REQUIRE WAC	REG D	# REG	WAC	ANNUAL U.FEE	ANNUAL REG FEE	WAC INCENTIVE	RESPONSE TIME SERVICE REQUIREMENTS	ADA COMPLIANT	WAC AGE	REG AGE	METHOD # WAC'S DECIDED	WAC TRAINING	PICK UP NONN DISAB 1 FD N/A
Miami-Dade County, FL	No	Voluntary	1934	STS and NE transport	500	N/A	N/A	County Code mandates clean cabs, heat/a/c, drivers may not refuse service on demand	Yes, thru vehicle inspections and enforcement activities	N/A	8 yrs.	N/A	N/A	N/A
Miami-Dade County, FL (Proposed)	Yes	Mandatory	1966	20	500	500	Reduce Medallion fee to \$5,000	County Code mandates clean cabs, heat/a/c, drivers may not refuse service on demand	Yes, thru vehicle inspections and enforcement activities	10 yrs	8 yrs.	Administratively at least 50% thru existing taxi lottery	Yes	Yes
Newark, NJ	No	N/A	600	medical liveries transport	250	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
San Diego, CA	No	Voluntary	870	17	300	\$300.00 waived	No	No	No	N/A	no age limit, conduct stringent insp.	N/A	No	N/A
Seattle, WA	No	Voluntary	642	N/A	240	240	No	No	No	N/A	8 yrs.	N/A	No	N/A
Thousand Palms, CA	No	Voluntary	165	N/A	750	750	No	No	N/A	N/A	7 yrs.	N/A	N/A	N/A
Alexandria, VA	Yes	Voluntary	645	N/A	\$12.00	\$12.00	N/A	N/A	N/A	N/A	N/A	N/A	Yes	N/A
Atlanta, GA	No	Voluntary	1582	N/A	100	N/A	No	N/A	N/A	N/A	5yrs. To placed into service and may operate to 8yrs. of age	N/A	Ambassador Training Program for all drivers	N/A
Cincinnati, OH	yes	Voluntary	485	3	161	161	No	H/V - loading ramp, first aid kit, side & rear door, min head room for w/c pass... clamp cleats or belts to anchor w/c, safety belts, litter & emergency flares & warning flags	No	no age limit, inspected by certified mech. prior to licensing	No limit	No	app for H/V must take a course in first aid and life saving	yes
Elizabeth, NJ	No	Voluntary	154	N/A	700	N/A	No	No	N/A	No	5yrs. or newer	N/A	No	N/A
Evanston, IL	No	Voluntary	private enterprise service available	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	considering lottery system, City's economy does not support mandatory w/c access	N/A	N/A
Fresno, CA	No	Voluntary	135	N/A	200	N/A	N/A	N/A	N/A	N/A	No	in the future, 25% of cabs will need to be ADA compliant	N/A	N/A
San Antonio, TX	No	Voluntary	122	N/A	225	N/A	N/A	N/A	N/A	N/A	No	N/A	No	N/A
State of Delaware	No	Voluntary	119	N/A	.002 x gross operating revenue	N/A	N/A	N/A	N/A	N/A	N/A	N/A contract w/several van co., no w/c access cabs or demand responsive service	N/A	N/A
Washington, D.C.	No	Voluntary	6000	N/A	\$250 PSC revenue Fee	N/A	N/A	N/A	N/A	N/A	7 yrs. Of age	N/A	Yes	N/A


*notes from previous survey



MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 11, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.- 6(J)

03.45

Please note any items checked.

- ☐ "4-Day Rule" (Applicable if raised)
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of private business sector impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ "Sunset" provision required
- ☐ Legislative findings necessary

8 147

Approved _____ Mayor

Agenda Item No. 6(J)

Veto _____

3-11-03

Override _____

ORDINANCE NO. 03-45

ORDINANCE RELATING TO TAXICABS; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR WHEELCHAIR ACCESSIBLE TAXICABS; PROVIDING FOR DEFINITIONS, VEHICLE STANDARDS, ISSUANCE OF ADDITIONAL FOR-HIRE LICENSES; AMENDING RULES OF OPERATION FOR FOR-HIRE LICENSE HOLDERS, PASSENGER SERVICE COMPANIES AND CHAUFFEURS; AUTHORIZING THE DIRECTOR OF CONSUMER SERVICES DEPARTMENT TO REQUIRE THAT SPECIFIED PERCENTAGE OF FOR-HIRE TAXICABS LICENSES BE WHEELCHAIR ACCESSIBLE; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 31 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

CHAPTER 31

VEHICLES FOR HIRE

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 31-81. Definitions.

* * *

>>(xx) Accessible vehicle means a vehicle that has been significantly modified and specially equipped with the installation of lifts or other equipment necessary for the transport of disabled persons who use wheelchairs or wheelchair conveyances.

(vy) Wheelchair means those wheeled devices, usable indoors, designed for and used by persons with mobility impairments which do not exceed 30 inches in width and 48 inches in length, measured 2 inches above the ground, and do not weigh more than 600 pounds when occupied.<<

* * *

Sec. 31-82. For-hire licenses.

* * *

(j) Rules of operation. For-hire license holders shall abide by all rules and regulations applicable to for-hire license holders and shall be subject to the enforcement provisions contained in this chapter and chapter 8CC of the Miami-Dade County Code. A for-hire license holder and her, his or its agents shall comply with the following regulations:

* * *

>>(14) For-hire license holders who operate an accessible vehicle shall place an advertisement in the Yellow Pages of the Miami-Dade County Telephone Directory under the trade name under which the owner operates indicating that it is capable of providing service to wheelchair passengers and that such requests for service shall receive priority over all other service requests.

03.451

(15) Each license holder shall ensure that chauffeurs operating an accessible vehicle are certified in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. Proof of certification shall be provided to the CSD.

(16) It shall be unlawful for any person to use, drive or operate an accessible vehicle without certification in the safe and proper methods of securing, transporting, and dealing with passengers utilizing a wheelchair. <<

* * *

(1) [[Reserved]]>>In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by January 1, 2006.

(1) The director, by administrative decision, may require that at least fifty percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.

(2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1) or 31-82(o)(2) shall be issued upon payment of five thousand dollars (\$5,000), payable in full within one hundred and twenty (120) days after each lottery.

(3) It shall be a condition of all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(l)(1) or 31-82(o)(2) that the vehicle operated under the authority of such

license shall always be an accessible vehicle.

- (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(1)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.<<

* * *

- (o) >>For-hire taxicab license lottery

- (1)<< Beginning January 1, 2001, twenty-five (25) for-hire taxicab licenses shall be issued on an annual basis until June 1, 2003, utilizing the criteria and procedure provided in Section 31-82. Three (3) of the twenty-five (25) for-hire licenses to be issued annually shall be issued through a separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, three (3) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty (20) or more years and satisfy all the requirements of this chapter and (2) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfy all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to

03 - 45

participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

03-45

>>(2) In addition to the for-hire licenses authorized by the preceding subsection, an additional five (5) for-hire taxicab licenses shall be issued in 2003 utilizing the criteria and procedure provided in Section 31-82. All for hire taxicab licenses issued pursuant to this subsection (o)(2) shall be operated using accessible vehicles. Three (3) of the five (5) for hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the five (5) for-hire licenses to be issued shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged and satisfies all the requirements of this chapter; one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty (20) or more years and satisfies all the requirements of this chapter; and one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a

03-45

for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.<<

* * *

Sec. 31-89.**Vehicle standards**

- (a) In addition to the applicable Federal Motor Vehicle Safety requirements in 49 Code of Federal Regulations, part 571 and Florida Statutes, the following vehicle standards apply to all for-hire motor vehicles operated under the provisions of this article. It is the operator's responsibility to insure that each vehicle meets the following standards and minimum inspection requirements:

* * *

03-45

- (25) >>Accessible vehicles<<[[~~Vehicles used to transport individuals in wheelchairs~~]] shall >>have posted the international symbol of accessibility for disabled persons in the manner prescribed by CSD and shall<< be equipped with the following:

Ramp or lift facility which is operated electrically, hydraulically or manually with sufficient capacity to safely and smoothly lift passengers into and out of the vehicle and is in compliance with the lift >>and ramp<< requirements of the Americans with Disabilities Act.

For each wheelchair passenger transported,[[~~two (2)~~]]>>four (4)<< points of securement of latching or locking to the vehicle and the wheelchair in which the passenger will ride. The latching or locking devices shall be designed to minimize any lateral, longitudinal, or vertical motion of the passenger conveyance within the vehicle.

* * *

Sec. 31-100 **Passenger service companies**

* * *

- (k) *Rules of operation.* Passenger service companies must abide by all rules and regulations applicable to passenger service companies and shall be subject to the enforcement provisions in this chapter and chapter 8CC of the Miami-Dade County Code. For the purposes of this subsection, the phrase "for-hire license holder" shall be substituted for the phrase "passenger service company" where this chapter authorizes a for-hire license holder to provide passenger services and said for-hire license holder does in fact provide passenger services. A passenger service company:

* * *

03.45

- (4) Shall maintain a record of all requests for service for each passenger transport request received by telephone or made in writing which shall minimally include the following information: name of passenger requesting service, assigned vehicle number, date and time of service request and service provision ~~[[and]]>>~~, << origin and destination of each trip>>, and whether the passenger requested an accessible vehicle<<. All records must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

* * *

ARTICLE V. GENERAL REQUIREMENTS.

* * *

Sec. 31-304 Chauffeur's registration—Additional taxicab requirements.

Each chauffeur shall:

* * *

>>(4) inquire of a disabled passenger whether he or she requires assistance from the chauffeur to or from the nearest accessible door both at the origin and destination of a trip.

(5) not accept any other fare while en route to a dispatched call for an accessible vehicle.<<

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

* * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
>>31-82(j)(14)	<u>Failure to advertise wheelchair accessible service</u>	<u>250.00</u>
31-82(j)(15)	<u>Allowing chauffeur to operate accessible vehicle without certification.</u>	<u>250.00</u>
31-82(j)(16)	<u>Operating accessible vehicle without certification.</u>	<u>250.00</u>
31-82(l)(2)	<u>Failure to operate accessible vehicle as directed by administrative decision of the CSD director.</u>	<u>500.00</u>
31-89(a)(25)	<u>Failure to have or to maintain in working order wheelchair restraining devices.</u>	<u>500.00</u>
31-304(5)	<u>Accepting other fare while en route to dispatched call for an accessible vehicle.</u>	<u>250.00</u> <<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: MAR 11 2003

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

GKS

Gerald K. Sanchez

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance #03-45 adopted on March 11, 2003 by The Board of County Commissioners.

_____ as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 26th day of March , A.D. 20 03 .

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida



SEAL

By *[Signature]*
Deputy Clerk

Board of County Commissioners
Dade County, Florida